

CA2 ON
L21
-054

Government
Publication

Ontario Labour Legislation
of Interest to
Working Women



CAZ 01
L21
- 954

LIBRARY

OCT 7 1977

UNIVERSITY OF TORONTO

WOMEN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

VF

DICEMBRE 1976

LEGGI DELL'ONTARIO IN MATERIA DI LAVORO DI PARTICOLARE INTERESSE PER LE DONNE CHE LAVORANO

Uguali Opportunita' sul Lavoro

L'Ontario Human Rights Code (emendato nel 1972) proibisce di discriminare a causa del sesso o dello stato civile nel reclutare e nell'assumere, nell'addestrare e nell'ammaestrare, nel promuovere e nel trasferire, nel licenziare, nello stabilire i termini e le condizioni di lavoro e nel determinare le qualifiche per essere ammessi a far parte di un sindacato o di una libera professione. Il classificare un posto di lavoro per "uomo" o per "donna" o il mantenere liste di anzianita' distinte in base al sesso o allo stato civile dei dipendenti e' proibito dalla Legge. Questa Legge si riferisce a tutti, uomini e donne.

Prossimamente verranno proibite clausole che prevedano un diverso trattamento a seconda del sesso o dello stato civile del dipendente nei benefici facoltativi quali pensioni amministrate dal datore di lavoro, assicurazioni mutualistiche o sulla vita. Questa disposizione non e' ancora in vigore.

Agenzie pubblicitarie e giornali che stampano gli annunci pubblicitari non possono fare annunci che indichino, direttamente o indirettamente, che sesso o stato civile sono qualifiche necessarie per un determinato posto di lavoro. E' proibito stampare colonne di offerte di lavoro suddivise in base al sesso. Allo stesso modo i datori di lavoro non possono ordinare, e le agenzie di collocamento non possono accettare, che vengano assunti individui di un solo sesso.

Coloro che hanno motivo di credere che in materia di lavoro sono vittime di discriminazione a causa del loro sesso o del loro stato civile sono invitati a rivolgersi alla Ontario Human Rights Commission, Ministry of Labour. Col consenso della vittima, chiunque puo' inoltrare una denuncia alla suddetta Commissione. Rappresaglie contro coloro che hanno sporto, o che intendono sporgere una denuncia alla Commissione sono proibite dalla legge.

UGUAL PAGA

Le disposizioni in materia di ugual paga contenute nell'Employment Standards Act stabiliscono che: Nessun datore di lavoro, o persona che agisca per un datore di lavoro, possa discriminare tra lavoratori e lavoratrici pagando le donne che lavorano meno della paga offerta ai lavoratori di sesso maschile, o viceversa, quando incarichi sostanzialmente uguali vengano svolti nello stesso stabilimento, ed il lavoro da svolgere richieda in sostanza pari abilita', sforzo e responsabilita', e venga fatto in simili condizioni di lavoro, a meno che tale paga non venga data in base a un sistema che tenga conto

- (a) dell'anzianita';
- (b) del merito;
- (c) della quantita' e della qualita' della produzione; oppure
- (d) di qualsiasi altro fattore che non sia il sesso del dipendente.

Qualsiasi donna che abbia motivo di credere che le e' corrisposta una paga inferiore a quella data ad un uomo che lavora nella stessa ditta e che fa un lavoro sostanzialmente uguale, puo' comunicare questo fatto alla Employment Standards Branch del Ministry of Labour. Alla ditta in cui lavora non verra' rivelato il suo nome.

Inoltre numerosi ispettori della Employment Standards Branch fanno continui sopralluoghi nelle varie ditte.

Sotto il controllo del Ministry of Labour quei salari che fossero stati trattenuti in violazione di queste norme vengono recuperati sotto forma di paga non corrisposta, fino ad un massimo di \$4,000 per persona.

Questa legge protegge tutte le donne che lavorano indipendentemente dalla loro occupazione.

PAGA

In Ontario, dal 15 marzo 1976, la paga minima oraria e' salita a \$2.65. Questa rata si applica agli uomini e alle donne, come pure a coloro che lavorano ad orario pieno o solamente a ore (part-time), facendo eccezione per coloro che servono alcolici in posti pubblici. Le donne in questa posizione non possono ricevere meno di \$2.50 all'ora.

La paga minima oraria e' diversa in alcune industrie ed occupazioni. Gli studenti in età inferiore ai 18 anni, gli apprendisti, coloro che lavorano nell'edilizia ed i guidatori di ambulanza sono coloro che ricevono una diversa paga minima. Per maggiori chiarimenti occorre mettersi in contatto con gli uffici dell'Employment Standards Branch del Ministry of Labour.

A coloro che sono stati assunti coll'accordo di ricevere vitto e/o alloggio come parte del loro salario l'ammontare massimo che potra' essere dedotto dalla paga minima e': \$11.00 settimanali per alloggio; \$1.15 per pasto, sino ad un massimo di \$24.00 o di \$35.00 complessivi per vitto e alloggio settimanalmente.

La legge proibisce al datore di lavoro di assumere dipendenti come apprendisti o principianti senza paga durante il periodo di addestramento. Per legge coloro che imparano a lavorare devono essere pagati. La paga

oraria dell'apprendista o principiante durante il suo primo mese di lavoro deve essere almeno di \$2.55 e dopo aumentare alla paga minima.

A quei dipendenti che sono stati chiamati a lavorare dovranno essere pagate almeno tre ore di lavoro alla rata della paga minima oraria, a meno che siano stati chiamati a lavorare per meno di 3 ore.

I dipendenti che hanno motivo di credere che sono pagati meno della paga minima stabilita dalla legge, sono invitati a rivolgersi alla Employment Standards Branch del Ministry of Labour.

Allo stesso modo quel dipendente che non venga pagato per il suo lavoro deve rivolgersi all'Employment Standards Branch. Questa agenzia e' autorizzata dalla legge a recuperare quanto e' dovuto al lavoratore, compresa la paga per lo straordinario e per le ferie, sino ad un massimo di \$4,000 per dipendente.

INDENNITA' SUPPLEMENTARI

La X Sezione dell'Employment Standards Act, entrata in vigore il 1° Novembre 1975 proibisce ogni discriminazione che si basi sull'eta', sul sesso o sullo stato civile in materia di pensioni per anzianita', assicurazioni sulla vita ed assicurazioni per brevi o lunghi periodi di invalidita' ivi comprese eventuali assicurazioni per coprire cure mediche e dentarie. Tuttavia in determinati tipi di assicurazioni sono permesse alcune differenze di trattamento che si basano su determinati dati statistici.

La donna incinta ha diritto, quando non sia in congedo per maternita', a tutte le indennita' per malattia e per invalidita' a cui avrebbe altrimenti diritto. Quando non sia in congedo per maternita', nel concederle eventuali indennita' di malattia non si potra' tener conto in alcun modo di eventuali complicazioni derivanti dalla gravidanza.

Per la pensione d'anzianita' si potra' stabilire una eta' inferiore ai 65 anni, purche' venga fissata la stessa eta' per uomini e donne.

Questa legge non e' retroattiva.

SINDACATI

In base alle norme contenute nel Labour Relation Act, tutti i lavoratori hanno diritto a iscriversi ad un sindacato ad eccezione di coloro che lavorano in certe occupazioni come architetti, legali, dottori e coloro che svolgono mansioni direttive, che sono impiegati in qualita' di domestici o che lavorano nell'agricoltura. (Poliziotti, pompieri, insegnanti e dipendenti statali e provinciali possono concludere un contratto collettivo di lavoro in base ad altre leggi speciali.)

Se si puo' dimostrare che un datore di lavoro ha licenziato un dipendente, in una azienda dove non esiste ancora un sindacato, perche' il dipendente si e' iscritto o ha cercato di iscriversi ad un sindacato, il Labour Relations Board puo' stabilire che alla persona licenziata venga corrisposto lo stipendio perso e/o che al dipendente venga restituito il proprio posto. L'indirizzo del Labour Relations Board e' 400 University Avenue, Toronto, al quarto piano.

In una azienda dove esiste un sindacato, i dipendenti non sono obbligati a iscriversi al sindacato a meno che l'iscrizione non sia obbligatoria in base al loro contratto di lavoro. Certi contratti di lavoro stabiliscono che tutti i dipendenti dell'azienda devono iscriversi al sindacato al momento della loro assunzione; altri stabiliscono che i dipendenti devono iscriversi al sindacato dopo aver lavorato nell'azienda per un determinato periodo; certi contratti poi stabiliscono che i dipendenti non sono obbligati ad essere membri del sindacato ma che tutti sono obbligati a pagarne le quote di iscrizione. Da ultimo esistono contratti di lavoro in base ai quali i dipendenti non devono essere iscritti al sindacato ne' devono pagarne le quote di iscrizione.

RICEVUTA PER LA PAGA E PER LE TRATTENUTE

Nel pagare la paga il datore di lavoro deve fornire al dipendente una ricevuta scritta che indichi il periodo coperto dalla paga, la rata in base alla quale viene corrisposto il salario e l'ammontare totale, una lista delle trattenute effettuate ed il motivo per cui queste sono fatte, e la paga netta.

DEFICIT DI CASSA

Le perdite dovute ad errori di conteggio o la somma rubata non possono essere dedotte dalla paga (anche se esiste l'autorizzazione scritta del dipendente) quando due o piu' persone hanno accesso alla cassa.

ORE DI LAVORO

In Ontario esiste un limite massimo di 48 ore settimanali che si applica agli uomini e alle donne. Personale addetto al controllo e certe categorie o professioni di lavoratori sono esenti.

In circostanze speciali il datore di lavoro potra' ottenere dal Ministero un permesso per un maggior numero di ore straordinarie. Questo permesso potra' autorizzare sino ad ulteriori 100 ore di straordinario per dipendente all'anno.

Lo straordinario della lavoratrice in eta' inferiore ai 18 anni non puo' oltrepassare le sei ore alla settimana.

PAGA PER LO STRAORDINARIO

Ai dipendenti che lavorano piu' di 44 ore alla settimana o che lavorano in un giorno di festa riconosciuto dallo statuto, dovranno essere pagate le ore straordinarie ed il giorno festivo almeno 1 1/2 la regolare paga oraria.

Esistono speciali regolamenti per lo straordinario dei lavoratori stagionali che lavorano nell'industria alberghiera, nei ristoranti e nell'industria dei prodotti in scatola, oltre ad altre industrie. Per informazioni rivolgersi alla Employment Standards Branch.

LAVORO DI NOTTE

Questa parte dell'Employment Standards Act e' stata annullata. Il datore di lavoro non e' piu' obbligato a fornire un mezzo di trasporto per le lavoratrici che lavorano da mezzanotte alle sei del mattino.

FERIE PAGATE

I dipendenti che hanno lavorato con uno stesso datore di lavoro per 12 mesi hanno diritto annualmente a due settimane di ferie pagate. L'ammontare della paga deve corrispondere almeno al 4 per cento della paga annuale corrisposta al dipendente.

Il datore di lavoro puo' stabilire il periodo in cui il dipendente puo' prendere le ferie e, nel caso di ferie che durano due settimane, le ferie potranno consistere di due settimane consecutive o potranno essere divise in due periodi di una settimana.

Il dipendente che si licenzi prima di completare il primo anno di lavoro collo stesso datore di lavoro ha diritto a ricevere la paga delle ferie pari al 4 per cento della paga ricevuta durante tutto il periodo che ha lavorato.

GIORNI FESTIVI RICONOSCIUTI DALLO STATUTO

I dipendenti hanno diritto a sette giorni festivi pagati: Capodanno, Venerdi' Santo, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, e Natale.

Per avere diritto al giorno festivo pagato il dipendente deve aver lavorato colla ditta durante i tre mesi che precedono il giorno festivo; deve aver lavorato almeno 12 dei 30 giorni che precedono il giorno festivo e deve regolarmente lavorare il giorno che precede e che segue il giorno di festa.

INTERRUZIONI PER I PASTI

Dopo che abbia lavorato cinque ore, il dipendente ha diritto ad un intervallo per il pasto di almeno mezz'ora o della durata approvata dal Ministry of Labour.

Per legge al dipendente non spettano nelle ore di lavoro intervalli per il caffè; questi intervalli possono venir concessi dal datore di lavoro solamente.

ALZARE PESI

Non esiste una legge che limiti il peso in generale che le donne possono sollevare. L'Industrial Safety Act stabilisce che nessuno (uomo o donna) sul lavoro debba sollevare, portare o muovere cose che per il loro peso o per il modo in cui viene eseguito il lavoro possono provocare danno a sé o agli altri lavoratori.

LOCALI PER IL RIPOSO

Se un datore di lavoro ha alle proprie dipendenze in un posto 35 o più persone, dovrà provvedere ai propri dipendenti un locale dove mangiare come pure tutte le altre attrezzature richieste dall'ispettore.

Quando in un posto lavorino 10 o più donne, il datore di lavoro dovrà mettere a disposizione di queste un locale o altro luogo che permetta di stare a proprio agio, munito di una o più amache e sedie.

Quando in un posto lavorino sei o più persone, il datore di lavoro dovrà mettere a disposizione due distinti gabinetti, uno per gli uomini e uno per le donne. Il numero di latrine necessario varia a seconda del numero dei dipendenti.

Per avere informazioni dettagliate sulle precedenti come pure sulle altre norme che regolano la sicurezza sul lavoro, basta rivolgersi alla Industrial Safety Branch.

PRONTO SOCCORSO

A seconda del numero dei dipendenti che lavorano in un posto, il datore di lavoro deve mettere a disposizione varie attrezzature e servizi di pronto soccorso. Per informazioni dettagliate occorre consultare le First Aid Regulations comprese nel Workmen's Compensation Act.

INFORTUNI SUL LAVORO

In base alle norme del Workmen's Compensation Act la maggior parte dei datori di lavoro deve assicurare i propri dipendenti contro gli infortuni sul lavoro col Workmen's Compensation Board, WCB.

A seconda delle circostanze il WCB potrà pagare ai lavoratori infortunati le spese mediche, un risarcimento per le giornate di lavoro perse a causa di un infortunio e una pensione in caso di invalidità permanente. Per facilitare il ritorno al lavoro, nel più breve tempo possibile, del lavoratore infortunato possono venir offerti speciali servizi medici e di riabilitazione.

Il datore di lavoro è responsabile, in primo luogo, di comunicare immediatamente al Workmen's Compensation Board, tutti gli infortuni che si verifichino sul lavoro.

Per ulteriori informazioni rivolgersi al Workmen's Compensation Board, 2 Bloor Street East, Toronto M4W 3C3.

GIORNI DI MALATTIA

Nelle leggi che regolano i contratti di lavoro in Ontario, non ci sono disposizioni per eventuali giorni di malattia. Se i dipendenti abbiano diritto o no ad essere assenti per malattia viene stabilito dalle singole compagnie o nei contratti di lavoro stipulati tra datore di lavoro e dipendenti. Attualmente in base alle norme dell'Unemployment Insurance Act si può ottenere una indennità per malattia. Per informazioni rivolgersi alla Unemployment Insurance Commission.

CONGEDO PER MATERNITÀ

L'Employment Standards Act proibisce di licenziare una donna a causa della sua gravidanza e dispone che venga concesso un periodo fino ad un massimo di 17 settimane di congedo per maternità, non pagato, alle dipendenti che abbiano lavorato con uno stesso datore di lavoro per almeno un anno e 11 settimane prima della data prevista per il parto. Attualmente la legge dispone che la lavoratrice comunichi con almeno due settimane di anticipo la data in cui intende iniziare il proprio congedo.

Tutti i datori di lavoro dell'Ontario sono vincolati da questa legge, fanno eccezione le industrie e le agenzie che sono sottoposte alla legislazione federale, come banche, compagnie ferroviarie, linee aeree e industrie similari o a carattere interprovinciale le cui dipendenti possono ottenere il congedo per maternità in base alle norme del Canada Labour Code.

La lavoratrice ha diritto ad iniziare il proprio congedo per maternità in qualsiasi momento quando manchino meno di 11 settimane alla data del parto. Nessuna donna incinta potrà essere obbligata o dal proprio datore di lavoro o dal contratto accettato dal proprio sindacato, ad iniziare il proprio congedo per maternità prima di quando desideri. Tuttavia, il datore di lavoro potrà richiedere che tale congedo venga anticipato se potrà dimostrare che la dipendente non è in grado di svolgere in modo soddisfacente il proprio lavoro.

Indipendentemente dalla data in cui ha iniziato il proprio congedo per maternità, la donna che lavora, ha diritto ad un congedo obbligatorio di almeno sei settimane dopo la data del parto. Se una dipendente che abbia partorito desiderasse riprendere a lavorare prima che siano trascorse sei settimane dalla data del parto, dovrà fornire al proprio datore di lavoro un certificato medico che dichiari che può riprendere a lavorare e dovrà comunicare la propria intenzione di tornare al lavoro almeno una settimana prima.

La legge garantisce alla dipendente incinta il diritto di riprendere a lavorare al proprio posto di lavoro, o a un posto simile, senza dover rinunciare alla propria anzianità o agli altri benefici o accettare un salario inferiore. Un congedo per maternità che duri più di 17 settimane potrà venir concesso mediante un accordo tra il datore di lavoro e la dipendente, oppure mediante il contratto stipulato dal proprio sindacato, ma in tal caso il tipo di lavoro alla quale la dipendente potrà tornare non può essere stabilito dalla legge, ed è bene che venga chiarito in anticipo col datore di lavoro. Le donne che vanno in congedo per maternità hanno diritto all'indennità di disoccupazione della Unemployment Insurance.

LICENZIAMENTO

L'Employment Standards Act è stato modificato e richiede che a coloro che hanno lavorato per almeno tre mesi con un datore di lavoro, debba essere data una comunicazione scritta in caso di licenziamento.

Il preavviso che per legge occorre dare in caso di licenziamento varia a seconda dell'anzianità del dipendente come segue:

Anzianità'	Preavviso
Meno di 2 anni	1 settimana
2-5 anni	2 settimane
5-10 anni	4 settimane
10 anni o più'	8 settimane

Dopo aver comunicato per scritto il licenziamento il datore di lavoro deve a) continuare a tenere alle proprie dipendenze il lavoratore sino a che non sia trascorso il periodo di preavviso, oppure b) licenziare il dipendente immediatamente, pagandogli quel che normalmente avrebbe percepito, senza straordinario, se avesse lavorato il periodo del preavviso richiesto dalla legge.

La legge è stata riveduta inoltre per far sì che fosse necessario dare un periodo di preavviso più lungo nel caso di licenziamenti collettivi che comprendessero cinquanta o più dipendenti.

I dipendenti che vengono licenziati o che si licenziano hanno diritto al pagamento delle ferie.

LAVORATRICI A DOMICILIO E DOMESTICHE

Coloro che lavorano a domicilio sono protetti dalle norme che regolano la paga minima oraria, le ferie pagate, il diritto ad una paga uguale per un uguale lavoro e il diritto a ricevere eventuali compensi non corrisposti.

Le domestiche e coloro che lavorano a domicilio, attualmente, sono protette da tutte le disposizioni dell'Employment Standards Act, quando lavorino alle dipendenze di una agenzia. Quelle domestiche che lavorano direttamente alle dipendenze di una famiglia non sono sottoposte alle norme che stabiliscono la paga minima oraria, i giorni festivi, lo straordinario e le ore di lavoro.

ONTARIO HUMAN RIGHTS CODE (EMENDATO NEL 1972)

Oltre a proibire ogni discriminazione sul lavoro basata sul sesso o sullo stato civile il Codice dei Diritti Umani dell'Ontario vieta ogni discriminazione contro gruppi minoritari e contro lavoratori anziani. Il Codice proibisce ogni discriminazione sul lavoro, in materia di impiego, condizioni di lavoro o requisiti per appartenere ad un sindacato o a una libera professione, a causa di razza, credo, colore, nazionalità, stirpe, luogo di origine, sesso o età. È definito il periodo tra i 40 e i 65 anni. I datori di lavoro e le agenzie di collocamento non possono usare cartelli, annunci o moduli per le domande d'impiego o fare domande che possano dare luogo a discriminazione, in nessuno di questi campi. Le libere professioni non possono restringere il numero dei propri membri a causa dei motivi summenzionati, fatta eccezione della nazionalità.

Solamente quelle organizzazioni religiose, filantropiche, culturali o sociali che operano a scopo di beneficenza sono esenti unicamente quando un requisito, quale la religione, costituisca in buona fede un requisito necessario per farne parte.

Quando una persona abbia sporto o intenda sporgere una denuncia, o abbia cooperato, o intenda cooperare alla inchiesta di una denuncia da parte della Commissione, è proibito al datore di lavoro di fare rappresaglie, quali licenziamento, minaccia di licenziamento, minacce o imposizioni di alcun genere.

Per sporgere querela o per avere ulteriori informazioni sulle norme che regolano i diritti umani, occorre rivolgersi all'Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario.



Ontario
Ministry of
Labour

WBU-4008 (Italian)

HON. BETTE STEPHENSON, M.D.
Minister

T. E. ARMSTRONG
Deputy Minister

CAZ 200
L21
- φ54

ΓΡΑΦΕΙΟΝ ΓΥΝΑΙΚΩΝ

ΥΠΟΥΡΓΕΙΟ ΕΡΓΑΣΙΑΣ ΤΟΥ ΟΝΤΑΡΙΟ

400 UNIVERSITY AVENUE, TORONTO

965-1537

ΙΟΥΛΙΟΣ 1976

ΝΟΜΟΘΕΣΙΑ ΕΡΓΑΣΙΑΣ ΤΟΥ ΟΝΤΑΡΙΟ ΑΦΟΡΟΤΣΑ ΤΙΣ ΕΡΓΑΖΟΜΕΝΕΣ ΓΥΝΑΙΚΕΣ
ΙΣΗ ΕΤΚΑΙΡΙΑ ΕΡΓΑΣΙΑΣ

Ο Κώδικας Ανθρωπίνων Δικαιωμάτων τοῦ 'Οντάριο (τροποποιημένος 1972) απαγορεύει διοικητού προσωπικού διάκριση, έξι αιτίας του φύλου ή της συγγινής κατάστασης, στήν επιλογή και πρόσληψη, στήν μαθήτευση καί έξασκηση, στήν προαγωγή και μετάθεση, στήν απόλυτη, καθώς και στοὺς δρους καί τις συνθήκες έργασίας (τοῦ προσωπικοῦ), στήν ένταξη σε συνδικαλιστικά σωματεῖα ή σε έκλευθερά έπαγγέλματα. Ο χαρακτηρισμὸς μιᾶς έργασίας σάν... «άντρικης» ή... «γυναικείας» ή ή τηρηση χωριστῶν καταστάσεων ἀρχαιότητας, μὲ βάση κριτήρια δπως τὸ φύλο ή ή συγγινήκη κατάσταση εἶναι πράξεις ποὺ παραβιάζουν (παραβαίνουν) τὸν Κώδικα. Αύτὸς δὲ νόμος ισχύει καὶ γιὰ τοὺς ἄνδρες έργαζομένους.

Δέν επιτρέπεται σε διαφημιστές νά διαφημισούν καὶ σε έφημερίδες νά δημοσιεύσουν ἀγγελίες ποὺ παρουσιάζουν, ἀμεσα ή ἔμμεσα, τὸ φύλο ή τή συγγινήκη κατάσταση τοῦ έργαζομένου σάν προσόντα έργασίας. Ο διαχωρισμὸς στηλῶν τῶν ἐφημερίδων πού κοινοποιοῦν διτι ζητοῦνται έργαζομένοι, μὲ κριτήριο τὸ φύλο τῶν έργαζομένων πού ζητοῦνται, ἀπαγορεύεται. "Ομοια, ἀπαγορεύεται στοὺς έργοδότες νά προσφέρουν καὶ στά διάφορα πρακτορεῖα έπαγγελματικῆς ἀπασχολήσεως νά δέχωνται, παραγγελίες γιά στρατολόγηση προσωπικοῦ πού νά ἀναφέρωνται ἀποκλειστικά καὶ μόνο σ' ἕνα ἀπό τά δύο φύλα. " Ατομα πού ἔχουν λόγους νά πιστεύουν διτι ύπηρξαν θύματα διακρίσεων στήν έργασία τους, εἴτε έξι αιτίας τοῦ φύλου στό όποιο ἀνήκουν, εἴτε έξι αιτίας τής συγγινήκης των κατάστασης, ἔχουν τήν ύποχρέωση νά ἀποτανθοῦν στήν Επιτροπή Ανθρωπίνων Δικαιωμάτων τοῦ 'Οντάριο στό 'Υπουργείο Έργασίας.

Παράπονα μποροῦν νά υποβληθοῦν ἀκόμα καὶ ἐκ μέρους ἄλλου ἀτόμου, ἀπό ἕνα τρίτο ἀτόμο, ἀν (δ παθῶν ή ή παθοῦσα) ἔχει δώσει τή συγκατάθεσή του (της) γι' αὐτό. Αντεκδικήσεις ἔναντιν διοικητού πού έχει κάνει ή μπορεῖ νά κάνῃ ἔρευνα ή παράπονο σύμφωνα μὲ τὸν Κώδικα, ἀπαγορεύονται.

ΙΣΗ ΠΛΗΡΩΜΗ

Η διάταξη, σχετικὰ μὲ τήν ίση πληρωμὴν, ποὺ ισχύει στό νομοθέτημα τοῦ Κανονισμῶν Έργασίας δρίζει πάς: Κανένας έργοδότης ή ἀντιπρόσωπος έργοδότου δὲν έχει τὸ δικαίωμα νά κάνῃ διάκριση μεταξὺ ἔνδος ἀντρα καὶ μιᾶς γυναίκας ὑπαλλήλου πληρωνόντας τήν έργαζομένη λιγώτερο ἀπ' διτι τὸν έργαζόμενο — ή τὸ ἀντίθετο — γιὰ τήν ίδια ούσιαστικά έργασία πού ἔκτελεῖται στά πλαίσια τῆς ίδιας έπιχείρησης κάτω ἀπ' τής ίδιες συνθήκες έργασίας, καὶ τῆς δοπίας ή ἔκτελεση ἀπαιτεῖται τήν ίδια τεχνική κατάρτιση, καταβολὴ προσπαθείας καὶ ἀνάληψη εὐθύνης ἀπό μέρους τοῦ ὑπαλλήλου πού τήν ἔκτελει ἔξαρση ἀποτελεῖ κάθε περίπτωση στήν δοπία ή πληρωμὴ καθορίζεται σύμφωνα μέ: α) τήν σειρὰ ἀρχαιότητας, β) ἕνα σύστημα προσόντων, γ) ἔνα σύστημα πού καθορίζει τής ἀποδοχῆς τῶν έργαζομένων ἀνάλογα μὲ τήν ποσότητα ή τήν ποιότητα τῆς παραγωγῆς, δ) βάση παραγόντες διαφοροποίησης πού είναι διαφορετικοὶ ἀπό αὐτὸν τὸν φύλον τῶν έργαζομένων.

Οποιαδήποτε γυναίκα έχει λόγους νά πιστεύῃ διτι πληρώνεται λιγώτερο ἀπ' ἔναν ἄνδρα πού έργάζεται στήν ίδια ἔταιρεία καὶ ἔκτελει έργασία ούσιαστικά τοῦ ίδιου τύπου, μὲ τήν δική της, πρέπει νά ἀναφέρῃ τὸ γεγονός στό Τμήμα Κανονισμῶν Έργασίας τοῦ 'Υπουργείου Έργασίας. Τὸ ὄνομά της δὲν θὰ ἀποκαλυφθῇ στό έργοδότη της. 'Ακόμα, ἔξιωτεροιοί εἰλεγκτὲς (field - officers) τοῦ Τμήματος Κανονισμῶν Έργασίας ἔκτελον τακτικὲς ἐπιθεωρήσεις.

Μισθοὶ πού ἔχουν καταχρατηθῆ, κατὰ παράβαση αὐτῆς τῆς διάταξης, ἐπιστρέφονται, σὰν ἀπλήρωτοι μισθοί, κάτω ἀπό τὸν ἔλεγχο τοῦ 'Υπουργείου Έργασίας.

Αὐτός ο νόμος καλύπτει ὅλες τίς έργαζομένες γυναίκες στό 'Οντάριο, ἐκτός αὐτῶν πού έργάζονται σε βιομηχανίες πού υφιστάνται ἀπό τήν Ομοσπονδιακή Κυβέρνηση σπώς οι σιδηρόδρομοι, ἀεροπορικές ἐταιρίες, Τράπεζες, ναυτιλιακές ἐταιρίες, φαρμακευτικοί σταθμοί καὶ σταθμοί τηλεοράσεως.

ΜΙΣΘΟΙ

Τό έλάχιστο δριο πληρωμῆς στό 'Οντάριο είναι 2.65 δολλ. την ὥρα, ἀπό τής 15 Μαρτίου 1976, καὶ αὐτό ισχύει γιά ἄνδρες καὶ γυναίκες έργαζομένους, εἴτε μερικά (part-time) εἴτε ολικά (full-time) ἀπασχολοῦνται στήν έργασία τους. Γυναίκες οἱ δοπίες σερβίδουν ποτά πρέπει νά πάρουν τό λιγότερο \$ 2.50 τήν ὥρα.

Υπάρχουν παραλλαγές αὐτοῦ τοῦ ἐλάχιστου δριο μισθοδοσίας ἐφαρμόσιμες σε μερικές βιομηχανίες κι ἐπαγγέλματα.

Η μισθοδοσία μαθητῶν κάτω τῶν 18 ἔτῶν, μαθητευομένων οἰκοδομεργατῶν καὶ ὁδηγῶν νοσοκυνειακῶν αὐτοκινήτων ἐπήρεαζεται ἀπ' αὐτές τίς παραλλαγές. Γιά περισσότερες λεπτομέρειες μπορεῖτε νά ἀποτανθῆτε στό Τμήμα Κανονισμῶν Έργασίας τοῦ 'Υπουργείου Έργασίας.

Σὲ περιπτώσεις πού οι έργαζομένοι προσλαμβάνονται σε μιὰ έργασία ξόντας προσυμφωνήσει νά τροφοδοτοῦνται καὶ νά στεγάζωνται ξναντι τοῦ μισθοῦ των. Τό μέγιστο δριο πού ὁ έργοδότης μπορεῖ νά κοστολογήση σ' ἕνα έργαζόμενο γιά τροφή καὶ στέγη, ὅταν αὐτός ἀμοίβεται μὲ τό ἐλάχιστο δριο μισθοδοσίας (δηλ. 2.65 τήν ὥρα) είναι: 11 δολλάρια τήν ἐβδομάδα γιά στέγη; 1.15 δολλάριο γιά κάθε γεῦμα μ' ἔνα συνολικό δριο 24 δολλαρίων τήν ἐβδομάδα; ή 35 δολλάρια τήν ἐβδομάδα καὶ γιά τά δυό, τροφή καὶ στέγη.

Είναι παράνομο νά προσλαμβάνεται ἔνα ἀτόμο σε μιὰ έργασία σάν μαθητεύομένος ή ἔξασκούμενος, χωρίς καμιά ἀμοιβή στήν διάκριση, τής ἐκπαίδευσής του. ' Ο νόμος οόζει πώς οι μαθητεύομένοι πρέπει νά πληρώνωνται, τουλάχιστον τό ἐλάχιστον δριο.

Υπάλληλοι πού τοὺς ζητεῖται ἀπό τόν έργοδότη τους νά παρουσιασθοῦν στήν έργασία τους πρέπει νά πληρωθοῦν, τουλάχιστον τρεῖς ὥρες έργασίας μέ τό ἐλάχιστο δριο μισθοδοσίας, ἐκτός έάν έχουν προσληφθῆ γιά νά έργαζανται λιγότερο από τρεῖς ὥρες.

Έργαζομένοι πού πιστεύουν πώς πληρώνονται λιγώτερα ἀπ' δ, τι δ νόμος οόζει σὰν τό ἐλάχιστο δριο πληρωμῆς θὰ ἐνεργοῦσαν σωστὰ ἄν ἀναφέρων τό γεγονός στό Τμήμα Κανονισμῶν Έργασίας τοῦ 'Υπουργείου Έργασίας.

Ομοια, ένα ἀτόμο πού δὲν πληρώθηκε γιά κάποια έργασία πού έχει κάνει, πρέπει νά ἀναφέρῃ τό γεγονός στό Τμήμα Κανονισμῶν Έργασίας πού έχει τήν ξέσουσία νά συλλέγῃ ἀπλήρωτους μισθούς (σ' αὐτοὺς συμπτεριλαμβάνονται οι πληρω-

μές για έντερωριακή έργασία (over - time) και διακοπῶν (vacation) με τὸν δρόπο πώς οἱ ἀπλήρωτοι μισθοὶ δὲν ξεπερνοῦν τὰ 4.000 δολλάρια γιά κάθε έργαζόμενο.

ΠΡΟ ΣΩΤΕΤΑ ΕΥΕΡΓΕΤΗΜΑΤΑ

· Η παραγγαράφος Χ τοῦ Νόμου περὶ Ἐργατικῆς Ἀπασχολήσεως, ὑπὸ ἡμερομηνίᾳν 1 Νοεμβρίου 1976, ἀπαγορεύει οἰανδήποτε διάκρισιν ὅσον ἀφορᾶ τὸ φύλον, τὴν ἡλικίαν ἢ τὴν οἰκογενειακήν κατάστασιν, στὰ προγράμματα συνταξιοδοτήσεως καὶ ἀσφαλειῶν ζωῆς, ἀσφαλειῶν ἀναπτρίδας καὶ ἀτυχημάτων, προγράμματα ἰατρικῆς καὶ ὁδοντιατρικῆς περιθάλψεως. Ἐν τούτοις, εἰς ὁρισμένα προγράμματα ἰδιαζούσης φύσεως, ἐπιτρέπονται διακρίσεις ὡς πρός τὸν καθορισμό τῶν ἀσφαλιστικῶν εὐργετημάτων.

Γυναῖκες εἰς κατάστασιν ἔγκυμοσύνης δικαιοῦνται νά λάβουν, ἐκτός τῆς ἀδείας ἀνευ ἀποδοχῶν γιά τὴν ἔγκυμοσύνην, καὶ ὅλα τὰ εὐργετημάτα πού καλύπτουν ἀσθένεια ἢ ἀτύχημα. Οὐδέμια διακρίσις πρέπει νά γίνεται μεταξύ τῶν ἐπιπλοκῶν πού δυνατόν νά προέλθουν ἀπό τὴν ἔγκυμοσύνη, καὶ τῶν ἀσθενειῶν ἄλλης μορφῆς. Ὡταν ὑπολογίζεται ὁ χρόνος ἀδείας πέραν τῆς ἀδείας ἔγκυμοσύνης.

· Η ἡλικία συνταξιοδοτήσεως εἶναι δυνατόν νά ὁρισθῇ κάτω τῶν 65 ἑτῶν. ὑπὸ τὸν δρόπο ὅτι θά εἶναι ἡ αὐτή γιά τούς ἄνδρες καθώς καὶ γιά τίς γυναῖκες.

· Η ισχὺς τοῦ Νόμου δέν εἶναι ἀναδρομική.

ΕΡΓΑΤΙΚΑ ΣΩΜΑΤΕΙΑ

Σύμφωνα μέ τὸν Νόμο περὶ Σχέσεων Ἐργασίας, κάθε ἔργαζόμενος δικαιοῦται νά γίνη μέλος ἐνός Ἐργατικοῦ σωματείου, πλήν τῶν ἔργαζομένων εἰς ὁρισμένα ἐπαγγέλματα πού ἔχουν σχέσιν μὲ ἀρχιτέκτονες, νομικούς, φαρμακοποίους, ἰατρούς. Ἐπίσης ἔξαιροῦνται ὅσοι κατέχουν διοικητικές θέσεις, οἱ ἔργαζόμενοι ὡς οἰκιακοί βοηθοί, ἢ σὲ ἀγροτικές ἔργασίες. (Εἰς τοὺς ἀστυνομικούς, πυροσβέστας, καθηγητάς καὶ Κρατικούς ὑπαλλήλους, παρέχεται τὸ δικαίωμα, βάσει διαφορετικῆς νομοθεσίας, νά ἔρχονται σὲ διαπραγματεύσεις σύμφωνα μὲ τίς συλλογικές τους συμβάσεις).

· Αν ἀποδειχθῇ ὅτι ἔνας ἔργοδότης ἀπέλυσε ἔναν ἔργαζόμενο ἢ μιά ἔργαζομένη διοτι ἔγινε μέλος σωματείου, ἢ διότι προσπαθοῦσε νά ὀργανώσῃ σωματεῖο σὲ μιά ἐπιχείρηση τῆς ὁποίας τὸ προσωπικό ἡταν ἀνοργάνωτο. τὸ Συμβούλιο Σχέσεων Ἐργασίας θά διατάξῃ τὴν ἀποζημίωση ἢ τὴν ἐπαναπρόσληψη τοῦ ἢ τῆς ἔργαζομένης. Ἡ διεύθυνσις τοῦ Συμβουλίου Σχέσεων Ἐργασίας εἶναι: 400 University Avenue, Toronto, 4ος ὄροφος.

Οἱ ἔργαζόμενοι σὲ μιά ἐπιχείρηση τὸ προσωπικό τῆς ὁποίας ὑπάγεται σὲ σωματεῖο, δέν ὑποχρεοῦνται νά γίνουν μέλη τοῦ σωματείου, ἐκτός ὃν ἡ συλλογική σύμβασις ὁρίζει ὡς ὑποχρεωτική τὴν συμμετοχή. Ὁ ορισμένες συμβάσεις προβλέπουν ὅπως οἱ ἔργαζόμενοι γίνονται μέλη τοῦ σωματείου ἀμέσως μετά τὴν πρόσληψη, ἀλλες συμβάσεις περιέχουν τὸν δρόπο ὅτι οἱ ἔργαζόμενοι θά γίνονται μέλη τοῦ σωματείου μετά τὴν πάροδο ὁρισμένου χρονικοῦ διαστήματος, ἀλλες συμβάσεις δέν ἐπιβάλλουν τὴν συμμετοχή στὸ σωματεῖο, προβλέπουν ὅμως ὡς ὑποχρεωτική τὴν εἰσφορά τῶν τελῶν. Τέλος, ὁρισμένες συμβάσεις δέν περιέχουν κανέναν ἀπό τοὺς ἀνωτέρω δρους.

ΔΗΛΩΣΗ ΕΙΣΟΔΗΜΑΤΩΝ ΚΑΙ ΚΡΑΤΗΣΕΙΣ

· Οταν πληρώνονται οἱ μισθοί, δ ἔργοδότης ὑπόχρεοῦνται νά ἐκδίδῃ πρὸς τοὺς ὑπαλλήλους μιὰ γραπτὴ ἀπόδειξη ποὺ νὰ δείχνῃ: τὴν χρονική περίοδο γιά τὴν δρόπο τὸν πληρώνεται δ μισθός, τὸ ὀρομίσθιο καὶ τὸ συνολικὸ (μεικτὸ) ποσό, τὶς κρατήσεις καὶ τὸν σκοπὸ γιά τὸν δρόπο γίνονται, καθὼς καὶ τὸ (καθαρὸ) ποσὸ περὶ τὸν πληρώνεται δ ἔργαζόμενος.

ΩΡΕΣ ΕΡΓΑΣΙΑΣ

· Η μεγαλύτερη δυνατή ἔβδομάδα ἔργασίας εἶναι 48 ὥρες καὶ ἰσχύει, γιὰ ἄνδρες καὶ γυναῖκες, στὸ Ὀντάριο. Ἀπ' αὐτὴ ἔξαιροῦνται τὸ ἐποπτικὸ προσωπικὸ καὶ ὁ ὀρισμένες κατηγορίες ἐπαγγελμάτων. Κάτω ἀπὸ ὀρισμένες συνθῆκες ἔνας ἔργοδότης μπορεῖ νὰ πάρῃ ἄδεια ὑπερωριακῆς ἀπασχόλησης ἀπό τὸ Πτουργεῖο. Ἡ ἄδεια α τὴν ἐπιτρέπει μέχρι καὶ 100 ὥρες ὑπερωριακῆς ἀπασχόλησης τὸν χρόνο γιά κάθε ἔργαζόμενο.

ΠΛΗΡΩΜΗ ΤΠΕΡΩΡΙΩΝ

· Εργαζόμενοι ποὺ ἔργαζονται πάνω ἀπὸ 44 ὥρες τὴν ἔβδομάδα ἢ ποὺ ἔργαζονται σὲ μιὰ κανονικὴ ἀργία θὰ πρέπει νὰ πληρωθοῦν τὸ λιγώτερο μιάμηση φορὰ τὸν κανονικὸ τους μισθό. ("Αν δηλαδὴ κάποιος πληρώνεται κανονικὰ 5 δολλ., τὴν ὥρα, θὰ πρέπει νὰ πληρωθῇ 7.50 δολλάρια).

· Εἰδικοὶ ὑπερωριακοὶ κανονισμοὶ καλύπτουν μεταξύ ἄλλων τοὺς ἐποχιακοὺς ἔργαζομένους ξενοδοχείων, ἐστιατορίων καὶ διοικητικῶν κονσερβοποίησης.

· Γιὰ πληροφορίες, τηλεφωνήσατε στὸ Τμῆμα Κανονισμῶν Ἐργασίας.

ΝΤΥΧΤΕΡΙΝΗ ΕΡΓΑΣΙΑ

· Τὸ μέρος αὐτὸ τὸν Κανονισμῶν Ἐργασίας ποὺ ἀναφέρεται στὴ νυχτερινὴ ἔργασία ἔχει ἀνακληθῇ. Ὁ ἔργοδότης δὲν είναι πιὸ ὑποχρεωμένος νὰ παρέχῃ συγκοινωνιακὰ μέσα γιὰ τὶς ἔργαζομένες ποὺ ἔργαζονται ἀπὸ τὰ μεσάνυχτα ἔως τὶς 6 τὸ πρωτ. Ἐπίσης ἐπιτρέπεται τώρα, στὶς ἔργαζομένες κάτω τῶν 18 ἑτῶν νὰ ἔργαζονται μετὰ τὰ μεσάνυχτα.

ΑΔΕΙΕΣ ΜΕ ΑΠΟΔΟΧΕΣ

· Οἱ ἔργαζόμενοι ποὺ ἔχουν συμπληρώσει 12 μῆνες ἔργασίας σ' ἔναν ἔργοδότη δικαιοῦνται μιὰ ἀτήσια ἄδεια 2 ἔβδομάδων μὲ ἀποδοχές. Οἱ ἀποδοχές αὐτὲς πρέπει νὰ είναι ἵσες μὲ τοιλάχιστο τὸ 4% τῶν συνολικῶν ἀποδοχῶν τοῦ ἔργαζομένου στὸ ἔτος αὐτό. Ὁ ἔργοδότης δικαιοῦται νὰ καθορίσῃ τὴν περίοδο στὴν δρόπο ὁ ἔργαζόμενος μπορεῖ νὰ πάρῃ τὴν ἄδεια τὸν στὴν περίπτωση ποὺ ἡ ἄδεια είναι δύν ἔβδομάδων, είναι δυνατόν νὰ ληφθῇ εἴτε σὲ δύο συνεχόμενες ἔβδομάδες, εἴτε νὰ χωρισθῇ σὲ δύο περιόδους τῆς μᾶς ἔβδομάδος ἡ κάθε μία.

· Εργαζόμενοι ποὺ παύουν νὰ ἔργαζονται προτοῦ συμπληρώσουν ἔνα διάλεκτο χρόνο ἔργασίας, δικαιοῦνται πληρωμὴ διακοπῶν ἵση μὲ τὸ 4% (τοῖς ἑκατόν) τῶν συνολικῶν ἀποδοχῶν τους στὴ περίοδο ποὺ ἔργασθηκαν.

ΕΠΙΣΗΜΕΣ ΑΡΓΙΕΣ

· Οἱ ἔργαζόμενοι δικαιοῦνται 7 ἐπίσημες ἀργίες μὲ ἀποδοχές τὸν χρόνο αὐτὲς εἶναι: 1) ἡ ἡμέρα τῆς Πρωτοχρονιᾶς, 2) ἡ Μεγάλη Παρασκευή, 3) ἡ ἡμέρα τῆς Βικτωρίας, 4) ἡ ἡμέρα τῆς Επικρατείας (Dominion Day) 5) ἡ ἡμέρα τῆς Ἐργασίας, 6) ἡ ἡμέρα τῶν Εὐχαριστιῶν καὶ 7) ἡ ἡμέρα τῶν Χριστογέννων.

Για νὰ ἔχῃ τὸ δικαίωμα πληρωμῆς μιᾶς ἐπίσημης ἀργίας ὁ ἐργαζόμενος πρέπει νὰ ἔχῃ συμπληρώση 3 μῆνες ἐργασίας πρὶν ἀπὸ τὴν μέρα τῆς ἀργίας· νὰ ἔχῃ ἐργασθῆ τις 12 ἀπὸ τὶς 30 ἡμέρες πρὸ τὴν ἀργία καὶ νὰ ἐργάζεται κανονικὰ τὴν ἡμέρα ποὺ προηγεῖται καὶ τὴν ἡμέρα ποὺ ἔπειται τῆς ἀργίας.

ΠΕΡΙΟΔΟΙ ΦΑΓΗΤΟΥ

Μετὰ ἀπὸ κάθε πέντε ὥρες ἐργασίας, ὁ ἐργαζόμενος θὰ πρέπει νὰ ἔχῃ μιὰ περίοδο φαγητοῦ ποὺ νὰ διαρκῇ γιὰ τουλάχιστο μισή ὥρα ή λιγάτερο ἀν αὐτὸ ἔχει ἐγκριθῆ ἀπὸ τὸ Τουργεῖο.

Διαλεύμματα (**coffee breaks**) στὴν διάρκεια τῆς βάρδιας δὲν ὀρίζονται ἀπὸ τὸν νόμο, ἀλλὰ εἶναι θέμα ποὺ καθορίζεται ἀπὸ τὴν πολιτικὴ τῆς ἑταρείας.

ΑΝΤΨΩΣΗ ΒΑΡΩΝ

Δὲν ὑπάρχει νόμος ποὺ νὰ περιορίζῃ τὸ βάρος πού, γενικά, γυναῖκες ἐπιτρέπεται νὰ σηκώνουν. Οἱ διατάξεις τῆς Βιομηχανικῆς 'Ασφαλείας καθορίζουν πώς κανένας ἀνθρωπος (ἄντρας ή γυναίκα) δὲν πρέπει νὰ ὑποχρεωθῇ ν' ἀνυψώσῃ, μεταφέρῃ ή νὰ μετακινήσῃ ὅποιοδήποτε ἀντικείμενο ποὺ νὰ εἶναι τόσο βαρύ, ή κατὰ τέτοιο τρόπο, δῶσε νὰ εἶναι πιθανή ή διακινδύνευση τῆς ἀσφαλείας του ή τῆς ἀσφαλείας ἄλλων ἀνθρώπων μέσα στὴν ἐπιχείρηση.

ΧΩΡΟΙ ΑΝΑΠΑΤΣΕΩΣ

"Αν ὁ ἐργοδότης ἀπασχολεῖ στὴν ἐπιχείρησή του 35 ή περισσότερα ἀτομα, εἶναι ὑποχρεωμένος νὰ παρέχῃ ἔνα χῶρο φαγητοῦ, ἔξοπλισμένο σύμφωνα μὲ τὶς ὁδηγίες τοῦ ἐπιθεωρητῆ, γιὰ τὸν ἐργαζομένους.

"Οταν 10 ή περισσότερες γυναῖκες ἐργάζονται σ' ἔναν ἐργοδότη, εἶναι ὑποχρεωμένος νὰ παρέχῃ σ' αὐτὲς μιὰ αἴθουσα ἀναπαύσεως ή ἄλλο ἀνάλογο χῶρο ποὺ νὸ προσφέρῃ λογική ἀπομόνωση (ἰδιωτικὸς χῶρος) καὶ ποὺ νὰ εἶναι ἔξοπλισμένος μὲ ἓνα ή περισσότερα κρεββάτια καὶ καθίσματα.

"Οταν 6 ή περισσότερα ἀτομα ἐργάζονται σὲ μιὰ ἑταιρεία, τότε ή ἑταιρεία ὑποχρεοῦνται νὰ παρέχῃ χωριστὰ ἀποχωρητήρια γιὰ ἄντρες καὶ γυναῖκες. 'Ο ἀριθμὸς τῶν ἀποχωρητηρίων καὶ τῶν νιστήρων ποικίλλει ἀνάλογα μὲ τὸν ἀριθμὸ τῶν ἐργαζομένων.

Λεπτομερειακές πληροφορίες σχετικά μὲ τοὺς παραπάνω, ἀλλὰ κι' ἄλλους, κανονισμοὺς μποροῦν νὰ ληφθοῦν ἀπὸ τὸ Τμῆμα Βιομηχανικῆς 'Ασφαλείας.

ΠΡΩΤΕΣ ΒΟΗΘΕΙΕΣ

Οἱ ἀνάγκες γιὰ εὐκολίες κι' ὑπηρεσίες πρώτων θοηθεῶν πιεκίλλουν ἀνάλογα μὲ τὸν ἀριθμὸ τῶν ἐργαζομένων σὲ μιὰ ἐπαγγελματικὴ ἔγκατάσταση. Γιὰ λεπτομέρειες συμβούλευσθῆτε τοὺς Κανονισμοὺς Πρώτων Βοηθεῶν ποὺ καθορίζονται ἀπὸ τὸ νομοθετικὸ διάταγμα τῆς 'Αποζημιώσεως τῶν 'Ἐργαζομένων (**Workmen's Compensation act**).

ΑΤΤΥΧΗΜΑΤΑ

Σύμφωνα μὲ τὸ νομοθετικὸ διάταγμα 'Αποζημιώσεως τῶν 'Ἐργαζομένων, οἱ περισσότεροι ἐργοδότες ὑποχρεοῦνται νὰ ἀσφαλίσουν τοὺς ὑπαλλήλους τους, μέσω τῆς 'Επιτροπῆς 'Αποζημιώσεως τῶν 'Ἐργαζομένων, γιὰ ἀτυχήματα ποὺ μποροῦν νὰ συμβοῦν στὴν ἐργασία ή νὰ εἶναι ἀποτελέσματα τοῦ ἐπαγγέλματος. 'Ανάλογα μὲ τὴν περίσταση, ἵστρικὰ ἔξοδα, ἀποζημίωση γιὰ τὸ εἰσόδημα ποὺ χάνει ὁ ἐργαζόμενος διο διαρκεῖ μιὰ προσωρινή ή διλικὴ ἀνικανότητα, μποροῦν νὰ πληρωθοῦν σὲ τραυματισμένους ἐργαζομένους ἀπὸ τὴν 'Επιτροπὴ 'Αποζημιώσεως 'Ἐργαζομένων. Εἰδικὲς ὑπηρεσίες ἵστρικης κι' ἐπαγγελματικῆς ἀποκαταστάσεως μπορεῖ νὰ παραχωρηθοῦν προκειμένου νὰ καταστῇ τὸ ἀτομο ἵκανο νὰ ἐπιστρέψῃ σὲ χρήσην ἐργασία δοσογηγορώτερα γίνεται.

'Ο ἐργοδότης εἶναι ἀρχικὰ ὑπεύθυνος γιὰ τὴν ἅμεση ἀναφορὰ δικαιώματος τῶν θιομηχανικῶν ἀτυχημάτων στὴν 'Επιτροπὴ 'Αποζημιώσεως τῶν 'Ἐργαζομένων, **2 Bloor St. East Toronto**.

ΑΔΕΙΑ ΑΣΘΕΝΕΙΑΣ

'Η νομοθεσία ἐργασίας τοῦ 'Οντάριο δὲν προβλέπει ἀδεια ἀσθενείας. 'Η ἀδεια ἀσθενείας ἀποτελεῖ θέμα ιδιαίτερης πολιτικῆς τῆς κάθε ἑταρείας ή εἶναι ἀντικείμενο διαπραγματεύσεων μεταξὺ ἐργοδότου καὶ ἐργαζομένου. 'Επιδόματα ἀσθενείας διατίθενται τώρα σύμφωνα μὲ τὸ νομοθετικὸ διάταγμα ἐπιδοτήσεως ἀνέργων. Γιὰ λεπτομέρειες ἀποτανθῆτε στὸ Ταμεῖο 'Ανεργίας (**U.L.C.**).

ΑΔΕΙΑ ΕΓΚΤΜΟΣΤΥΝΗΣ

Τὸ νομοθετικὸ διάταγμα Κανονισμῶν 'Ἐργασίας ἀπαγορεύει τὴν ἀπόλυτη ἔξ αιτίας τῆς ἐγκυμοσύνης καὶ προβλέπει μιὰ εὔκαμπτη ἀδεια ἀπονοίας χωρὶς ἀποδοχὴς διαρκείας 17 ἑβδομάδων γιὰ διετούς τὶς ἐργαζόμενες ποὺ ἔχουν συμπληρώσει τουλάχιστο ἔνα χρόνο καὶ 11 ἑβδομάδες ἐργασίας σ' ἔναν ἐργοδότη, πρὸ τὴν ἀναμενόμενη ἡμερομηνία γέννας. Τὸ διάταγμα καθορίζει τώρα πώς ή ἐργαζομένη πρέπει νὰ ἀνακοινώσῃ στὸν ἐργοδότη της, δύο ἑβδομάδες νωρίτερα τὴν ἡμερομηνία κατὰ τὴν διοία σκοπεύειν ν' ἀρχίσῃ τὴν ἀδεια τῆς.

'Ολοι οἱ ἐργοδότες στὸ 'Οντάριο δεσμεύνονται ἀπὸ αὐτὸν τὸν νόμο, ἔξαιροῦνται μόνο οἱ ἑταιρείες ή ὑπηρεσίες ἔκεινες ποὺ ἀνήκουν στὴν δικαιοδοσία τῆς 'Ομοσπονδιακῆς Κυβερνήσεως (ὅπως οἱ τράπεζες, οἱ σιδηροδρόμοι, ἀεροπορικὲς ἑταιρείες καὶ συναφεῖς Βιομηχανίες διεπαρχιακοῦ ἐνδιαφέροντος στὶς ὑπαλλήλους τῶν διοίων ἔγγυάται ἀδεια ἐγκυμοσύνης δ' 'Ομοσπονδιακὸς 'Ἐργατικὸς Κώδικας Καναδᾶ.

'Η ἐργαζομένη δικαιούται ν' ἀρχίσῃ τὴν ἀδεια ἀπονοίας τῆς διοτε αὐτὴ νομίζει, διποσδήποτε διμως στὰ πλαίσια τοῦ διαστήματος τῶν 11 ἑβδομάδων ἀπὸ τὴν ἀναμενόμενη ἡμερομηνία γέννας. Καμμιὰ ἐγκυνος ἐργαζομένη δὲν προρεῖ νὰ ὑποχρεωθῇ εἴτε ἀπὸ τὸν ἐργοδότη της, εἴτε ἀπὸ συλλογικὴ σύμβαση ν' ἀρχίσῃ τὴν ἀδεια τῆς νωρίτερα ἀπὸ τότε ποὺ αὐτὴ ἐπιθυμεῖ. 'Ο ἐργοδότης διμως προρεῖ νὰ εἰσηγηθῇ τὴν ἔναρξη τῆς ἀδειας νωρίτερα, μὲ τὸν δρό δι προρεῖ νὰ ἀποδείξῃ πώς ή ἐργαζομένη δὲν προρεῖ νὰ φέρῃ σὲ ἀνακοινώτικο πέρας τὸν κανονικὸ φόρτο ἐργασίας τῆς.

'Ανεξάρτητα τοῦ πότε ἀρχίσει τὴν ἀδεια της, ή ἐργαζομένη δικαιούται ἔνι σταθερὸ δριο ἐπιλόχιας ἀδειας ποὺ διαρκεῖ 6 ἑβδομάδες μετὰ τὴν συγκεκριμένη ἡμερομηνία τῆς γέννας. 'Αν μιὰ γυναίκα ἐπιθυμεῖ νὰ ἐπιστρέψῃ στὴν ἐργασία της προτοῦ παρέλθουν αὐτὲς οἱ 6 ἑβδομάδες μετὺ τὴν γέννα, τότε εἶναι ὑποχρεωμένη νὰ παρουσιάσῃ στὸν ἐργοδότη της ἔνα λατρικὸ πιστοποιητικὸ ποὺ νὰ βεβαιώνη πώς αὐτὴ εἶναι σὲ θέση νὰ ἐπαναλάβῃ τὰ καθήκοντά της, καθὼς καὶ νὰ ἀνακοινώσῃ

στὸν ἐργοδότη τῆς τὴν ἡμέρα ποὺ σκοπεύει νὰ ἐπιστρέψῃ μιὰ ἑβδομάδα νιωρίτερα.

Τὸ νομοθετικὸ διάταγμα ἔξασφαλίζει γιὰ τὴν ἐργαζομένη τὸ δικαιῶμα ἐπιστροφῆς τις στὴν ἵδια ἡ ἀνάλογη ἐργασία χωρὶς ἀπώλεια τῆς σειρᾶς ἀρχαιότητας ἡ ἄλλων εὐεργετημάτων ἡ μείωση μισθοῦ.

“Ἄδεια ἐγκυμοσύνης μεγαλύτερη ἀπὸ 17 ἑβδομάδες μπορεῖ νὰ διακανονισθῇ κατόπιν ἀμοιβαίας συμφωνίας μὲ τὸν ἐργοδότη, ἡ νὰ ἀποτελέσῃ ἀντικείμενο διαπραγματεύσεων μέσω συλλογικῆς σύμβασης” σὲ τέτοιες δικαστικές περιπτώσεις ὁ τύπος τῆς ἐργασίας στὴν ὥρα ποὺ ἡ τοποθετηθῇ ἡ ἐργαζομένη μετὰ τὴν ἐπιστροφή της εἶναι ἔχω ἀπὸ τὰ δρια δικαιοδοσίας αὐτῆς τῆς νομοθεσίας καὶ εἶναι θέμα διαπραγματεύσεων.

Οἱ γυναῖκες ποὺ παίρνουν ἄδεια ἀπονοίας γιὰ λόγους ἐγκυμοσύνης δικαιοῦνται ἐπίδομα ἀνεργίας.

ΤΕΡΜΑΤΙΣΜΟΣ ΕΡΓΟΛΟΤΗΣΗΣ (ἀπόλυτη)

Οἱ διατάξεις τῶν Κανονισμῶν Ἐργασίας ἔχουν τροποποιηθῆ ἔτοι ὥστε νὰ ἀπαιτοῦν τὴν παραχώρηση γραπτῆς προειδοποίησης τερματισμοῦ τῆς ἐργοδότης σ’ αὐτὸν ποὺ ἔχουν ἐργασθῆ γιὰ τρεῖς τουλάχιστο μῆνες.

Ο ἐλάχιστος ἀναγκαῖος χρόνος προειδοποίησης ἔξαρταται ἀπὸ τὴν χρονικὴ διάρκεια ποὺ ἔχει ἡ ἐργοδότης, κατὰ τὸν ἀκόλουθο τρόπο:

ΠΕΡΙΟΔΟΣ ΕΡΓΟΛΟΤΗΣΗΣ

Αιγάλεω ἀπὸ 2 χρόνια

2 — 5 χρόνια

5 — 10 χρόνια

10 ἡ περισσότερα χρόνια

Μετὰ τὴν παροχὴ γραπτῆς εἰδοποίησης ὁ ἐργοδότης πρέπει α) εἴτε νὰ συνεχίσῃ νὰ προσφέρῃ ἐργασία στὸν ἐργαζόμενο μέχρι νὰ συμπληρώθῃ ἡ ἀπαιτούμενη χρονικὴ περίοδος προειδοποίησης, ἡ β) μπορεῖ νὰ παύσῃ τὸν ἐργαζόμενο ἀμέσως μὲ τὴν προϋπόθεση πὼς τοῦ πληρώνει δι τὸν ἐκέρδιζε, χωρὶς ὑπερωρίες, ἃν συνέχιζε νὰ ἐργάζεται σ’ δὴ τὴν περίοδο ἀναγκαῖον χρόνου προειδοποίησης.

Ἡ τροποποίηση καθορίζει ἐπίσης, μεγαλύτερες χρονικὲς περιόδους προειδοποίησης γιὰ τὴν περίπτωση ὅμαδικων ἀπολύτων 50 ἡ περισσότερων ἐργαζομένων. Ἀπολύμενοι οἱ ἐργαζόμενοι δικαιοῦνται τὴν πληρωμὴ τῆς ἀδείας διακοπῶν.

ΟΙΚΙΑΚΗ ΕΡΓΑΣΙΑ

Ἐργαζόμενοι ποὺ ἀπασχολοῦνται σὲ ἐργασίες οἰκιακῆς φύσεως (διαχειριστές, ὑπηρέτες κτλ.) καλύπτονται ἀπὸ τὴν νομοθεσία γιὰ δι τὸ ἀφορᾶ τὸ ἐλάχιστο δριο μισθοδοσίας, τὴν πληρωμὴ διακοπῶν, τὴν ἵση πληρωμὴ γιὰ τὴν ἵδια ἐργασία καὶ τὴν συλλογὴ μισθῶν. Διαχειριστές ἡ ὑπηρέτες οἰκιῶν ποὺ ἐργοδοῦνται μὲ τὴν μεσολάθηση πρακτορείου καλύπτονται τώρα, ἀπ’ δὲς τὶς διατάξεις τῶν Κανονισμῶν Ἐργασίας.

Ἀντίθετα, ὑπηρέτες ποὺ ἐργοδοῦνται ἀπ’ εὐθείας, δὲν καλύπτονται ἀπὸ τὴν νομοθεσία ποὺ ἀναφέρεται στὸ ἐλάχιστο δριο μισθοδοσίας, πληρωμὴ ἀργῶν, ὑπερωρία καὶ κανονικὲς ωρες ἐργασίας.

Ο ΚΩΔΙΚΑΣ ΑΝΘΡΩΠΙΝΩΝ ΔΙΚΑΙΩΜΑΤΩΝ ΤΟΤ ΟΝΤΑΡΙΟ (τροπ. 1972)

Παραλληλα μὲ τὴν ἀπαγόρευση διακρίσεων φύλου ἡ συζυγικῆς κατάστασης, δι κώδικας ἀπαγορεύει διακρίσεις ἐνάντια σὲ ὅμαδες μειοψηφίας καὶ ἡλικιωμένους ἐργαζομένους. Σύμφωνα μὲ τὸν Κώδικα κάθε διάκριση ἐναντίον διοικητήποτε ἀπό μον ποὺ εἶναι σχετικὴ μὲ τὴν ἐργοδότη, δρους καὶ συνθῆκες ἐργασίας ἡ συμμετοχὴ σὲ συνδικαλιστικὰ σωματεῖα ἐξ αἰτίας τῆς φυλῆς, δόγματος, χρώματος, ἔθνικότητας, γενεαλογίας, τάπου καταγωγῆς, φύλου ἡ ἡλικίας, ἀπαγορεύεται. Ἡλικία δολεζεῖται ἀπὸ 40 ὡς 65 ἑτῶν. Ἐργοδότες ἡ πρακτορεία ἐργασίας δὲν ἐπιτρέπεται νὰ χρησιμοποιοῦν πινακίδες, ἀγγελίες, ἔντυπα αἰτήσεων ἡ νὰ κάνουν ἔρευνα ποὺ νὰ παρουσιάζῃ διάκριση σχετικὰ μὲ τὰ παραπάνω. Ἀπαγορεύεται ἡ ἀρνηση συμμετοχῆς μὲ βάση τοὺς παραπάνω λόγους — ἔκτὸς ἔθνικότητας — διοικητήποτε ἀπόμονο σὲ Ἐλεύθερα Ἐπαγγέλματα.

Ἀποκλειστικά θρησκευτικοί, φιλανθρωπικοί, ἐκπαιδευτικοί ἔταιροι καὶ ἡ κοινωνικοί δραγανισμοί ποὺ δὲν λειτουργοῦν γιὰ ἴδιωτικό κέρδος ἔξαιροῦνται, μόνον δια τὸ δεδομένα δι τῶν π.χ. ἡ θρησκεία ἀπότελον «καλῇ τῇ πίστει» ἐπαγγελματικὸν προσόν.

“Οταν ἔνα ἄτομο ἔχει ἡ ἐνδέχεται νὰ θέσῃ ἔνα παράπονο ἡ ἔχει συνεργασθῆ ἡ σκοπεύει νὰ ἐνεργήσῃ σὰν μάρτυρας σὲ μιὰ ἔρευνα παραπόνου ποὺ διεξάγεται ἀπὸ τὴν Ἐπιτροπή, εἶναι παράνομο γιὰ τὸν ἐργοδότη νὰ προβῇ σὲ πράξεις ἀντεκδίκησης, δι πως λ.χ. ἀπολύτεις, ἀπειλές ἀπολύτεις, πιέσεις, ἡ ἐπιβολὴ ποιῶν.

Γιὰ τὴν ἀναφορά παραπόνων ἡ γιὰ περισσότερες πληρωφορίες σχετικά μὲ τὴν νομοθεσία τῶν Ανθρωπίνων Δικαιωμάτων, ἀπευθυνθῆτε στὴν Ἐπιτροπή Ανθρωπίνων Δικαιωμάτων τοῦ Οντάριο. Υπουργείο Εργασίας 400 University Avenue, Toronto M7A 1V1, Ontario. Ἐπίσης γραφεία τῆς Ἐπιτροπῆς Ανθρωπίνων Δικαιωμάτων ὑπάρχουν στὸ Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay, καὶ Windsor.

Translated with the assistance of:

Eastminster Community Services

Μεταφράσθη μὲ τὴν βοήθεια τοῦ Γραφείου

Ἐξυπηρετήσεων καὶ Πληροφοριῶν

310 Danforth Avenue

Toronto, Ontario

Tel. 466-1695

Peter Hortareas, Executive Director



Ontario
Ministry of
Labour

WBU-4008 (Greek)

Women's Bureau

HON. BETTE STEPHENSON

Υπουργός

T. E. ARMSTRONG

Υφυπουργός

LÉGISLATION DU TRAVAIL EN ONTARIO INTÉRESSANT

Gouvernement

MAIN-D'OEUVRE FÉMININE

Publications

Egalité des chances d'emploi

Le Code des droits de la personne de l'Ontario (modifié en 1972) interdit la discrimination pour des raisons de sexe ou d'état civil, lors du recrutement et de l'engagement, de la formation professionnelle et de l'apprentissage, d'une promotion ou d'une mutation, d'un renvoi de l'établissement, des règlements et des conditions d'emploi, de l'adhésion à un syndicat ou une association professionnelle autonome. Le fait d'attribuer à certains emplois une qualification "pour femmes" ou "pour hommes", ou de maintenir des dossiers d'ancienneté distincts tenant compte du sexe ou de l'état civil d'une personne représentent une infraction au Code. Cette loi s'applique aussi à la main-d'œuvre masculine.

Un employeur ne peut faire d'offres d'emploi, ni un journal les publier, qui désignent directement ou indirectement le sexe ou l'état civil du candidat comme une des conditions d'embauche. La classification des annonces d'offres d'emploi selon le sexe est interdite. De même, les employeurs ne peuvent en s'adressant à une agence de placement, limiter leur offre d'emploi à des personnes appartenant exclusivement soit au sexe féminin soit au sexe masculin, et l'agence ne doit pas en accepter la commande.

Les personnes qui ont de bonnes raisons de croire qu'un emploi leur a été refusé à cause de leur sexe ou de leur état civil devraient se mettre en rapport avec la Commission des droits de la personne de l'Ontario, ministère du Travail. Avec le consentement d'une personne victime d'une décision discriminatoire, un tiers peut déposer une plainte en son nom. Le Code interdit toutes représailles contre une personne qui a déposé une plainte ou qui en a l'intention, qui institue une enquête ou loge une plainte.

Salaire égal

En ce qui concerne l'égalité sur le plan de la rémunération, les dispositions de la Loi sur les normes d'emploi stipulent ce qui suit: il est interdit à un employeur, ou à une personne qui agit en son nom, de favoriser un employé par rapport à une employée, en payant une employée un taux de rémunération inférieur à celui d'un employé et vice versa, dans le cas où tous deux occupent pratiquement le même emploi, dans le même établissement, et pour lequel le niveau de compétence et les responsabilités sont les mêmes dans des conditions de travail similaires, sauf lorsque la différence entre la rémunération de l'un par rapport à l'autre dépend des facteurs suivants:

- (a) l'échelle d'ancienneté;
- (b) un programme d'avancement d'après le mérite;
- (c) une échelle de rémunération tenant compte de la quantité et de la qualité de la production; ou
- (d) des indemnités en compensation de facteurs autres que le sexe.

Une employée qui a des raisons de croire qu'elle reçoit une rémunération inférieure à celle d'un employé de la même entreprise et qui pratiquement fait le même travail qu'elle, devrait signaler cette situation à la Direction des normes d'emploi du ministère du Travail en toute confiance car son nom ne sera pas révélé à son employeur. Les bureaux régionaux sont situés à Hamilton, Kitchener, Kenora, London, Ottawa, Sudbury, Thunder Bay et Toronto.

En outre, des agents de la Direction des normes d'emploi font régulièrement des inspections.

Le montant des salaires retenu représentant une infraction à cette disposition de la Loi, est récupéré, à titre de salaire non payé, sous la supervision du ministère du Travail jusqu'à concurrence de \$4000 par employé.

Cette loi protège toutes les employées quelle que soit la nature de leur emploi.

Rémunération

Le salaire minimum en Ontario est de \$2.65 l'heure, commençant le 15 mars, 1976. Ce tarif s'applique aussi bien aux hommes qu'aux femmes, aux employés à plein temps et à temps partiel.

Il existe quelques cas où le tarif minimum ne s'applique pas selon l'industrie ou l'emploi. Les catégories de main-d'œuvre faisant exception sont: les étudiants de moins de 18 ans, les apprentis, les ouvriers de chantiers de construction et les conducteurs d'ambulance. Pour des renseignements supplémentaires, s'adresser à la Direction des normes d'emploi du ministère du Travail.

Lorsque le salaire de l'employé inclut les repas et/ou le logement, le montant maximum que représentent ces repas ou la chambre, et qui peut être déduit du salaire minimum est de \$9.00 par semaine pour la chambre; et de \$1.00 par repas jusqu'à concurrence de \$21.00 par semaine; \$30.00 par semaine pour la pension, c'est-à-dire le logement et les repas.

Aux termes de la Loi, un employeur qui engage une personne à titre d'apprenti ou de stagiaire doit le payer pendant la période de formation. La Loi exige que les apprentis soient payés.

Un employé plein temps qui se présente sur la demande de son employeur à sa place de travail doit être payé au moins trois heures au tarif du salaire minimum.

Tout employé qui a des raisons de croire qu'il est payé à un tarif inférieur au taux de salaire minimum prévu par la Loi, devrait en aviser la Direction des normes d'emploi du ministère du Travail.

De même, toute personne qui n'a pas reçu de rémunération pour un travail qu'elle a exécuté devrait

en aviser la Direction des normes d'emploi qui a le pouvoir de recouvrer les salaires non payés y compris tout salaire dû pour surtemps et vacances jusqu'à concurrence de \$4,000 par employé.

Relevé des gains et retenues

Au moment de la paie, un employeur doit remettre à chaque employé, un relevé écrit indiquant la période de travail couverte par la paie, le taux de salaire, le montant total dû, il doit énumérer les retenues, les raisons pour lesquelles elles ont été faites et montrer le montant net payé.

Heures de travail

En Ontario, la semaine de travail maximum est de 48 heures pour les hommes et les femmes. Cette règle ne s'applique pas au personnel de cadre et à certaines professions.

Dans certaines conditions, un employeur peut obtenir un permis du ministère l'autorisant à faire faire du surtemps à son personnel. Ce permis limite le surtemps à 100 heures par employé par an.

Tarif des heures supplémentaires

Les employés qui travaillent plus de 44 heures par semaine au cours d'une semaine quelconque, ou qui travaillent un jour de fête légale, doivent être payés au minimum une fois et demie le tarif de leur salaire ordinaire.

Pour ce qui est des employés saisonniers travaillant dans un hôtel ou un restaurant et dans des industries de conserves ou autres, des règlements particuliers concernant les heures supplémentaires ont été rédigés. Pour de plus amples renseignements téléphoner à la Direction des normes d'emploi.

Travail de nuit

Cet article de la Loi sur les normes d'emploi a été abrogé. Un employeur n'est plus tenu d'assurer le transport des employées qui travaillent entre minuit et 6 heures du matin; dorénavant les employées de moins de 18 ans peuvent travailler après minuit.

Vacances payées

Les employés qui ont travaillé pendant douze mois complets pour un employeur ont droit à des vacances annuelles de deux semaines avec paie. Le montant que l'employeur est tenu de payer doit être d'au moins 4% du montant total de la paie de l'employé au cours de l'année.

L'employeur a le droit de déterminer la période au cours de laquelle un employé peut prendre ses vacances, et dans le cas où la durée des vacances est de deux semaines, il peut demander à l'employé de prendre deux semaines consécutives ou deux périodes d'une semaine chacune.

Si avant d'avoir complété une année entière de travail l'employé quitte son emploi ou est licencié, il a droit à 4% du montant total de ses gains à titre de vacances payées.

Fêtes légales

Dorénavant les employés ont droit à sept jours fériés avec paie, par an: le Jour de l'An, le Vendredi saint, la Fête de la Reine, la Fête de la Confédération, la Fête du Travail, le Jour d'Action de grâces et le Jour de Noël.

L'employé doit remplir certaines conditions pour avoir droit à sa paie pour une fête légale: il faut qu'il ait été embauché depuis au moins 3 mois à la date de la fête légale, qu'il ait travaillé douze des trente jours qui précèdent cette fête et qu'il ait travailler le jour de travail ordinaire précédent et suivant le jour férié.

Repas

Après chaque période de travail de 5 heures, l'employeur doit prévoir une période d'interruption d'au moins une demi-heure ou une période plus courte approuvée par le ministère, permettant à l'employé de prendre un repas. Aucune disposition de la loi ne prévoit des pauses-café, la décision dépend uniquement de la politique générale de l'entreprise.

Avantages sociaux

Aux termes de l'article X de la Loi sur les normes d'emploi, entrée en vigueur le 1er novembre 1975, aucune distinction d'âge, de sexe ni d'état civil ne doit être faite en ce qui concerne les régimes de pension de retraite, d'assurance-vie et d'assurance-invalidité à court et à long terme, comprenant notamment les soins médicaux et dentaires. Il est toutefois permis, dans le cas de certains régimes d'assurance, de tenir compte de certaines différences obtenues par des calculs actuariels.

Les femmes enceintes qui tombent malades ou ne sont pas en état de travailler pendant une période autre que leur congé de maternité ont droit à tous les avantages sociaux. Elles ont droit à leurs congés de maladie avant et après le congé de maternité, qu'il s'agisse de troubles résultant de la grossesse ou d'autres maladies.

L'âge de la retraite peut être fixé au-dessous de 65 ans à condition de ne faire aucune distinction entre les sexes.

La loi en question n'a pas d'effets rétroactifs.

Syndicats

Aux termes de la loi intitulée "Labour Relations Act" (Loi sur les relations de travail), tout employé a le droit de faire partie d'un syndicat, sauf ceux qui oeuvrent dans certaines professions, comme l'architecture, le droit, la médecine, occupent des postes de direction ou travaillent comme domestiques ou dans l'agriculture (aux termes d'autres lois, les agents de police, les pompiers, les enseignants et les

fonctionnaires provinciaux peuvent engager des négociations collectives).

S'il peut être prouvé qu'un employeur a renvoyé une employée parce qu'elle faisait partie d'un syndicat ou tentait d'en former un chez son employeur, la commission chargée des relations de travail (Labour Relations Board) ordonnera le versement d'une indemnité à cette employée et (ou) sa réintégration. Les bureaux de la commission se trouvent au 400, avenue University, 4^e étage, Toronto.

Là où il y a un syndicat, les employés ne sont pas tenus d'en faire partie, à moins d'indication contraire dans la convention collective. Certaines conventions collectives exigent de l'employé qu'il devienne membre du syndicat dès son entrée en fonctions; d'autres ne l'obligent à en faire partie qu'au bout d'un certain temps, d'autres encore, sans l'obliger à en faire partie, exigent une retenue des cotisations à la source; d'autres enfin ne font aucune stipulation en ce qui concerne les syndicats.

Poids à soulever

Il n'y a aucune loi qui définit le poids maximum qu'une femme peut soulever. La Loi sur la sécurité industrielle stipule toutefois que personne (homme ou femme) ne devrait être obligé de soulever, porter ou déplacer un objet d'un poids tel, ou d'une manière telle, que la sécurité de la personne en cause ou celle des autres personnes qui se trouvent sur les lieux soient menacées.

Salle de repos

Si le personnel d'un employeur se compose de 35 personnes ou plus, l'employeur doit prévoir un endroit où les employés peuvent manger, et toutes autres installations qu'un inspecteur juge nécessaires.

Lorsque parmi son personnel, il y a dix femmes ou plus, l'employeur doit prévoir une salle de repos ou un endroit à l'écart où l'on trouvera au moins une chaise longue et des chaises.

Des toilettes distinctes pour les hommes et pour les femmes doivent être prévues, lorsque le personnel d'une entreprise se compose de six personnes ou plus. Le nombre de cabinets et de lavabos dépend du nombre d'employés.

Pour de plus amples renseignements sur ce qui précède et autres informations concernant la sécurité industrielle, veuillez vous adresser à la Direction de la sécurité industrielle.

Premiers soins

Les installations et les services essentiels de premiers soins varient selon le nombre d'employés qui se trouvent sur le lieu de travail. Pour de plus amples détails, consultez les règlements de premiers soins décrits dans la Loi sur les accidents du travail.

Blessures

En vertu de la Loi sur les accidents du travail, la plupart des employeurs sont tenus d'assurer leurs employés auprès de la Commission des accidents du travail contre blessures pouvant survenir par le fait ou à l'occasion du travail.

Selon le cas, les frais médicaux, des indemnités pour pertes de salaires couvrant des périodes temporaires d'invalidité totale, et des pensions en cas d'invalidité permanente, sont payés par la Commission aux employés blessés. Dans certains cas, des services spéciaux de soins médicaux et de réadaptation sont prévus permettant à l'intéressé de reprendre un travail utile dès que possible.

Lorsqu'un de ses employés a été blessé, c'est en premier à l'employeur d'en aviser la Commission des accidents du travail.

Pour de plus amples renseignements, communiquer avec la Commission des accidents du travail, 90 Harbour Street, Toronto 1.

Congé de maladie

Les lois de l'Ontario sur le travail ne prévoient aucune disposition concernant les congés de maladie. A ce sujet, chaque entreprise a ses propres règlements; souvent les congés de maladie font l'objet de négociations entre l'employeur et les employés. A l'heure actuelle, des prestations de maladie sont payées en vertu de la Loi sur l'assurance-chômage. Pour de plus amples renseignements, s'adresser à la Commission d'assurance-chômage.

Congé de grossesse

La Loi sur les normes d'emploi interdit le renvoi d'une employée pour des raisons de grossesse et prévoit un congé autorisé sans paie d'une durée maximum de 17 semaines pour toutes les employées qui à la date probable de l'accouchement auraient au moins un an et onze semaines de service. Une modification à la Loi stipule maintenant qu'une employée qui a l'intention de prendre un congé autorisé sans paie, doit donner au moins deux semaines de préavis.

Tous les employeurs en Ontario sont assujettis à cette loi, sauf les compagnies ou les organismes qui relèvent du gouvernement fédéral tels les banques, les compagnies de chemins de fer, les compagnies aériennes et d'autres industries d'intérêt interprovincial où les employées bénéficient d'un congé de grossesse qui leur est garanti en vertu du Code canadien du travail.

Une employée a le droit de commencer sa période de congé autorisé n'importe quand au cours des onze semaines qui précèdent la date prévue de son accouchement. Aucun contrat collectif, ni l'employeur, ne peut forcer une employée enceinte de prendre son congé avant qu'elle n'en ait l'intention. Toutefois, un employeur peut considérer qu'une employée est en congé autorisé à une date antérieure à celle que l'employée avait prévue, s'il peut prouver qu'elle n'est pas en mesure de maintenir un niveau de production normal et satisfaisant.

Indépendamment de la date à laquelle son congé commence, l'employée a droit à une période de congé minimum de six semaines après son accouchement. Si une femme désire reprendre son emploi moins de six semaines après son accouchement, elle doit fournir à son employeur un certificat médical déclarant qu'elle est en état de reprendre ses fonctions, et aviser son employeur de son intention au moins une semaine avant la reprise de son emploi.

La Loi garantit à une employée qui doit cesser de travailler pour des raisons de grossesse, le droit de se faire réintégrer dans son emploi antérieur, ou un emploi similaire, sans réduction de salaire et sans perdre son ancienneté, ni ses avantages sociaux. Des congés autorisés de plus de 17 semaines pour des raisons de grossesse peuvent être négociés soit individuellement entre l'employée et son employeur, ou peut faire l'objet d'une clause d'un contrat collectif, mais dans ces cas, le genre de travail auquel l'employée sera affectée à son retour n'est plus assujetti aux dispositions de la Loi et est également sujet à des négociations individuelles. Les femmes en congé de grossesse sont admissibles aux prestations de l'assurance-chômage.

Licenciement

Les modifications à la Loi sur les normes d'emploi stipulent maintenant qu'un employé qui a été engagé pendant au moins 3 mois doit recevoir un avis de licenciement par écrit.

Les délais minimums de préavis stipulés dans la Loi dépendent de la durée des services, soit:

Durée des services	préavis
moins de 2 ans	1 semaine
2 à 5 ans	2 semaines
5 à 10 ans	4 semaines
10 ans ou plus	8 semaines

Après avoir notifié par écrit l'employé de son licenciement, l'employeur doit: soit, a) garder à son emploi l'employé en question jusqu'à expiration du délai de préavis, soit, b) demander à l'employé de cesser son travail immédiatement, à condition qu'il le paie au tarif normal, sans heure supplémentaire, comme s'il avait travaillé pendant la période de préavis requise par la Loi.

La modification à la Loi prévoit également des délais de préavis plus longs dans le cas de congédier collectif de 50 employés ou plus.

Les employés qui ont été licenciés ont droit aux vacances payées.

Travailleurs à domicile et domestiques

Les travailleurs à domicile, aux termes de la Loi, ont droit au salaire minimum, aux vacances payées, au salaire égal pour travail égal et au recouvrement de leurs salaires.

Les domestiques et aides familiales qui sont en fait employés par des agences sont également protégés par les dispositions de la Loi sur les normes d'emploi. Les conditions d'emploi de domestiques qui ont été engagés directement par le chef de famille ne sont pas assujetties à cette loi en ce qui concerne le salaire minimum, les vacances payées, les heures supplémentaires et les heures de travail.

Le Code des droits de l'homme de l'Ontario (révisé en 1972)

Ce Code qui interdit la discrimination pour des raisons de sexe ou d'état civil, interdit également la discrimination contre des groupes minoritaires ou des travailleurs âgés. Les termes du Code interdisent toute discrimination contre une personne en ce qui concerne l'emploi, les conditions et les règlements d'emploi, parce qu'elle est membre d'un syndicat, pour des raisons de race, de croyance, de couleur, de nationalité, d'ascendance, du lieu d'origine, du sexe ou de l'âge. Par âge, on entend tout âge compris entre 40 et 65 ans. Nul employeur, ni agence de placement ne peut afficher, annoncer des offres d'emploi ou utiliser des formulaires de demande d'emploi, ou faire des enquêtes qui pourraient résulter en une décision discriminatoire pour une des raisons énumérées ci-dessus. Pour ce qui est des professions autonomes, elles ne peuvent refuser l'adhésion d'un membre pour les raisons nommées ci-dessus, la seule restriction concerne la nationalité.

A l'exception d'ordres religieux, d'organismes philanthropiques, éducatifs, fraternels ou sociaux sans but lucratif, la Loi ne s'applique pas lorsqu'un facteur tel que la religion représente une qualité et une condition professionnelle réelles.

Lorsqu'une personne a déposé une plainte ou a l'intention de le faire, ou si elle a coopéré ou a l'intention de témoigner à une enquête de la Commission, l'employeur commet une infraction s'il use de représailles telles que renvoi, menace de renvoi, coercition, ou s'il impose des pénalités.

Pour loger une plainte ou obtenir de plus amples renseignements concernant la Loi sur les droits de l'homme s'adresser à la Commission des droits de l'homme de l'Ontario, Ministère du Travail, 400 University Avenue, Toronto M7A 1T7, Ontario. Les bureaux régionaux sont situés à Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay et Windsor.



L'HON. BETTE STEPHENSON, M.D.
ministre

T.E. ARMSTRONG
sous-ministre

CAZON
L21
- 054

1971

DEPARTAMENTO DAS MULHERES
MINISTÉRIO DO TRABALHO DE ONTARIO
400 University Ave., Toronto
965-1537

JUNHO 1976

Women's Bureau

LEIS DO TRABALHO DE INTERESSE PARA MULHERES

IGUALDADE NO TRABALHO

O Código dos Direitos Humanos de Ontário proíbe discriminação (ou seja tratamento desigual) por causa do sexo ou estado civil da pessoa, no recrutamento e emprego de pessoal, no treino e aprendizagem, promoção e transferência, despedimento, termos e condições de emprego e também na associação em Uniões ou profissões independentes. E também proibido classificar os trabalhos como sendo "de mulher" ou "de homem" ou manter listas com os anos de casa de cada empregado, separadas por sexo ou estado civil.

E proibido publicar anúncios que indiquem sexo ou estado civil como uma das condições de emprego assim como é proibido pôr os anúncios a oferecer trabalho por colunas separadas por sexo. Com respeito às agências que arrajam trabalhos, elas não podem aceitar e os patrões não podem fazer pedidos de empregados restritos a um sexo.

Quem tenha motivos para crer que foi discriminado deve contactar a Comissão dos Direitos Humanos do Ministério do Trabalho. Também se pode fazer queixa por conta de outra pessoa, se ela der consentimento. E proibido exercer represálias (castigos) contra quem se informe ou faça queixa sobre estes assuntos.

PAGAMENTO IGUAL POR TRABALHO IGUAL

Esta lei faz com que seja proibido pagar a uma mulher menos do que a um homem, ou vice-versa, por um trabalho que seja essencialmente o mesmo e que exija essencialmente a mesma habilidade, esforço e responsabilidade, a não ser que o pagamento seja baseado num factor independente do sexo do trabalhador.

Quem quiser informar-se ou fazer queixa sobre este assunto deve contactar a secção "Employment Standards" do Ministério do Trabalho. O nome da pessoa não será revelado ao patrão.

SALARIOS

O salário mínimo legal em Ontário é \$2.65 por hora, a partir de 15^{de} Março de 1976, tanto para mulheres como para homens, e quer trabalhem em regime total ou parcial.

Mesmo quando o empregado está a aprender o serviço o patrão tem de lhe pagar. Empregados que se apresentem ao serviço a pedido do patrão, têm de ser pagos pelo menos três horas ao ordenado mínimo a não ser que tenham sido contratados para trabalhar menos de 3 horas, ou sejam estudantes.

TALAO EXPLICATIVO DOS GANHOS E DESCONTOS

Juntamente com o pagamento, o patrão tem de dar um talão que mostre o período coberto pelo pagamento, o salário por hora ou semana ou mês, o total bruto, os descontos e a razão deles, e o pagamento líquido.

HORAS DE TRABALHO

Não se pode trabalhar mais do que 48 horas por semana mas em condições especiais o patrão pode obter uma licença do Ministério do Trabalho a qual autoriza até 100 horas extraordinárias por ano, por cada empregado.

Raparigas com menos de 18 anos não podem fazer mais do que 6 horas extraordinárias por semana.

PAGAMENTO DE HORAS EXTRAORDINARIAS

Horas a mais do que 44 por semana têm de ser pagas a tempo e meio. Horas trabalhadas num dia de feriado oficial têm de ser pagas pelo menos a tempo e meio e em certos casos a dois tempos e meio.

Há certas exceções a esta lei, como sejam a indústria de conservas, hoteis e restaurantes.

REGALIAS

O Decreto das Normas de Emprego (Employment Standards Act) proíbe desigualdades baseadas na idade, sexo ou estado civil dos empregados em planos de protecção como sejam Pensões, Seguros de Vida, Seguros contra Incapacidade a curto e longo prazo e planos de serviços dentários e de saúde.

Mulheres em estado de gravidez têm direito a todos os subsídios por motivo de doença ou incapacidade mesmo que estas se dêm fora do período de licença por gravidez. E proibido diferenciar entre complicações resultantes de gravidez e outras enfermidades, para efeitos de subsídios de doença fora do período de licença por gravidez.

A idade para começar a receber pensões de reforma pode ser estabelecida antes dos 65, desde que seja aplicada a homens e mulheres igualmente.

SINDICATOS (UNIÕES)

O Decreto das Relações de Trabalho (Labour Relations Act) garante a todos os empregados o direito de afiliação em sindicatos, excepto àqueles que exerçam certas profissões como arquitectura, advocacia, farmácia, medicina e aos que trabalhem como gerentes ou em serviços domésticos e na agricultura. Polícia, bombeiros, professores e empregados do Estado têm direito a negociar contactos colectivos ao abrigo de outros Decretos.

Se for provado que uma empregada foi despedida por se ter afiliado ou por ter tentado organizar um sindicato num local de trabalho sem sindicato, a Direcção das Relações de Trabalho (Labour Relations Board) dará ordem para que a empregada seja re-admitida e/ou indemnizada. Esta Direcção está situada na University Avenue, nº 400, 4º andar, em Toronto.

Num local de trabalho sindicalizado, os empregados não são obrigados a ser membros do sindicato a não ser que o contacto colectivo assim o estipule. Alguns contactos requerem afiliação imediata após início do emprego, outros só requerem afiliação depois dum certo tempo e outros não requerem afiliação mandatária mas estipulam o pagamento obrigatório de quotas. Há ainda outros contactos que não requerem nenhuma destas condições.

TRABALHO DE NOITE

Os patrões já não são obrigados a dar transporte a mulheres que trabalhem de noite. Raparigas com menos de 18 anos já podem trabalhar depois da meia-noite.

FERIAS PAGAS

Depois de um ano de trabalho, o empregado tem direito a duas semanas de férias pagas. O pagamento deve ser igual a pelo menos 4% do total bruto ganho durante o ano. Quando se termina o trabalho, a percentagem de férias já acumulada deve ser paga imediatamente.

FERIADOS OFICIAIS

Há sete feriados oficiais: Dia de Ano Novo, Sexta-Feira Santa, Dia da Rainha Victoria, Dia do Canadá, Dia de Acção de Graças e Dia de Natal. Para ter direito a receber por estes feriados é preciso:

— ter trabalhado para o patrão nos três meses anteriores ao feriado

- ter trabalhado 12 dos 30 dias anteriores ao feriado
- ter trabalhado no dia normal de trabalho antes e depois do feriado.

HORAS DAS REFEICOES

Depois de cada cinco horas de trabalho, o empregado deve ter pelo menos meia hora para comer, a não ser que o Ministério tenha dado autorização para intervalos mais pequenos.

SEGURANCA INDUSTRIAL

O Ministério do Trabalho tem uma secção dedicada a garantir condições de segurança no trabalho e quem souber de condições perigosas para a saúde em qualquer trabalho, deve contactar a "Industrial Safety Branch".

LEVANTAR PESOS

Não há nenhuma lei que fixe o peso máximo que uma mulher pode levantar. A lei diz apenas que ninguém (homem ou mulher) deve levantar, carregar ou mover coisas tão pesadas ou de tal maneira que ponha em perigo a sua segurança ou a de outros.

SALAS DE REPOUSO

Em lugares onde trabalhem 35 ou mais empregados deve haver uma sala para as refeições e se houver 10 ou mais mulheres, deve haver uma salinha de repouso. Havendo seis ou mais empregados deve haver salas de banho separadas para homens e mulheres.

ACIDENTES NO TRABALHO

Há uma lei chamada "Workmen's Compensation" que protege a maioria dos trabalhadores contra acidentes ou doenças resultantes do trabalho. Conforme as circunstâncias, a "Compensation" paga despesas médicas, remédios, indemnização pelo tempo perdido, pensões por invalidez total ou parcial e dá cursos e programas de reabilitação.

O patrão é originalmente responsável por comunicar à Compensation todos os acidentes ocorridos no trabalho.

LICENCA POR DOENCA

Este assunto não está regulado por lei, é conforme a decisão do patrão ou conforme o acordo feito com a União. A maioria dos trabalhadores têm direito a receber do Fundo do Desemprego (Unemployment) enquanto estão doentes.

LICENCA POR GRAVIDEZ

Esta lei proíbe que uma mulher seja despedida por estar grávida e dá direito a uma licença sem pagamento de 17 semanas. Têm direito a esta licença todas as empregadas que na altura prevista para o nascimento do bebé tenham pelo menos um ano e onze semanas de casa. A empregada deve avisar o patrão com duas semanas de antecedência da data em que quer começar a licença.

A licença pode começar a qualquer altura dentro das onze semanas antes da data prevista para o nascimento. A empregada não pode ser obrigada a começar a licença mais cedo do que ela quer, a não ser que o patrão possa provar que ela não pode trabalhar normalmente.

Seja qual for a data em que a licença começou, a empregada tem sempre direito a um mínimo de seis semanas depois do bebé nascer.

Se ela quiser voltar a trabalhar antes das seis semanas, terá de avisar o patrão com uma semana de antecedência e apresentar um atestado médico em como está apta a trabalhar.

Depois da licença, a empregada tem direito ao mesmo ou a um trabalho semelhante, sem perda de anos de casa ou regalias ou baixa de ordenado.

Licenças mais longas do que 17 semanas já não estão cobertas pela lei.

Enquanto estejam de licença por gravidez as mulheres podem ter direito a receber do Fundo de Desemprego (Unemployment).

DESPEDIMENTO DO TRABALHO

Depois de três meses de trabalho, o empregado tem direito a ser avisado de que vai ser despedido, da seguinte maneira:

anos de casa:	Aviso com antecedência de:
Menos de 2 anos	1 semana
2 a 5 anos	2 semanas
5 a 10 anos	4 semanas
10 anos ou mais	8 semanas

Se o patrão não avisar, ele terá de pagar o ordenado normal que pagaria durante o período de aviso requerido por lei.

TRABALHOS FEITOS EM CASA E EMPREGADOS DOMESTICOS

Pessoas que trabalham em casa para o patrão estão cobertas pelas leis de salário mínimo, férias pagas, pagamento igual e cobrança de ordenados.

Empregadas/os domésticas contratadas através de agências estão agora cobertas por todas as leis do trabalho (conforme o "Employment Standards Act"), mas as empregadas contratadas directamente pelos donos da casa não estão cobertas para salário mínimo, férias pagas, horas extraordinárias ou horas de trabalho.

O CODIGO DOS DIREITOS HUMANOS

Além de proibir discriminação por causa do sexo ou estado civil, o Código proíbe também discriminação em empregos e associação em Uniões ou profissões independentes, por causa da Raça, Religião, Cor da Pele, Nacionalidade, Ascendência, Lugar de Origem e Idade (40 a 65 anos).

E é proibido aos patrões tentar despedir ou castigar empregados que tenham feito queixa ou colaborado na investigação de questões sobre estes assuntos.

Para fazer queixas ou obter informações, deve contactar a Comissão dos Direitos Humanos (Ontario Human Rights Commission, Ministry of Labour, 400 University Ave., Toronto M7A 1V1, Ontario, 965-6841).

* * *

Estas informações são uma versão abreviada do folheto "Ontario Labour Legislation of Interest to Working Women", publicado pelo "Women's Bureau", Ontario Ministry of Labour.

* * *

САЗФН
L21
-Ф54

1218

UNIVERSITY OF TORONTO

ԱՆՑ • ց X ՃՐ ՀՇՎԱ • Յ Ը Բ ԵՐՈՔԵՎ • Յ

εΔΔ•ℓ Γε ε'ε•• Δε' C P ΔC^CεΔ•• ΔεΔΔ• LεεΔεσ• ΔC^9Δ•• Cεε
Δ Δε' εCΔ•P' ΔΔ•ℓ' Δ" > Δ V•d' Δ" > ΔΔ•P' C P Δε' εεε• ΔC^9Δ••
Δ•PΔ•Δ•• ε•CΔ•εC••• Lε ε ΔεεΔεUP Δ^9•• Δ" > εV•• εΔ•• ε Δε' ΔΔ••
C P ΔC^UΔ• Δε' Γε ΔPΔ•• Δε' ΔC^9ΔΔ•• εΔ•• C P ΔΔεΔ•• ΔC^9Δ••
Δ^9•• Δ" > εV•• Δε' C P ΔC^9Δ••.

6^PR9Δ•

Let's say the cost of the meal is \$2.65 plus a tip of 15%. The total cost would be \$2.65 + (\$2.65 * 0.15) = \$2.65 + \$0.3975 = \$3.0475, or approximately \$3.05.

◀σΡ ▷C▷^9Δ•＼ ＼◀ΔΓΓ＼ Γα b bVr"ΔΓ＼ aΔ•a ▷Δ•7 \$11.00 V＼
▽Δ^<σx b ▷Δ"ΔL' ΔC 66VrΓ＼, \$1.15 V＼b・ ▷ΓΓΔΓx Δ" > \$24.00 V＼
△^<σ \$35.00 V＼ ▷Δ^<σx C 66ΓΓ＼ Γα CbVrΓx. C P ▷Δ9"ΔΔ•＼.

△ C^U•• ▷•Δ•Δ•• ▷b ▷•Δ•Δ•• ▷P•• C P Δ•Δ•• ▷•Δ•Δ•• ▷•Δ•Δ•• ▷C Δ•Δ••
▽ P^P••"ΔLΓ" / ▷b C•L•Δ•• / ΔC^U•• ▷•Δ•Δ•• A• C C•"ΔLΓ" ▷σP b
P^P••"ΔLΓ" Δ•Δ•• C^U•• P^P••"ΔL" / b•• \$2.55 V•• C•Δ••
C•L•Δ••"ΔLΔ•• C•C•• A• C ▷d•• A• C•Δ•• C•L•Δ•• C•L V•• b•• A•
b•• P•• C•Δ•• dC•P•• V•• C•Δ••

▽ດກ ຕະ ດົກບໍ່ໄດ້ ນຶ່ງ ເບີ້ງ"ດຸລີ" / ຄ ພ ດາວໂລນີ້ນີ້ວັດ ອົງ"ດ ອ ເນັບຄອງ" ຄ ພ
ເບີ້ງດີ້ນີ້ວັດ ດົກບໍ່ໄດ້ດີ້ນີ້ວັດ ນຶ່ງ ເບີ້ງດີ້ນີ້ວັດ ເນັບດີ້ນີ້ວັດ ດົກບໍ່ໄດ້ດີ້ນີ້ວັດ, ດີ້> ຕະ
ດົກບໍ່ໄດ້ດີ້ນີ້ວັດ ແລ້ວ ອ ເບີ້ງ"ດູກ" ດົກບໍ່ໄດ້ດີ້ນີ້ວັດ ເນັບດີ້ນີ້ວັດ \$4000.00 ດົກ ດ ດີ້ນີ້ວັດ
ເບີ້ງດີ້ນີ້ວັດ. ຄ ພ ເບີ້ງດີ້ນີ້ວັດ ຢ່າງດີ້ນີ້ວັດ ແລ້ວ"ດີ້ນີ້ວັດ"

▷CP▷ 96•2 9 ◁"◁Γ"△P" / ▷CD^9•0

4th Floor, 400 University Avenue, Toronto.

↙σ↖•○ ▽ ↓•σ≤σ〃/

$\Delta\sigma d^x \subset \bigtriangleup \cap q^x$

▷σ▷•＼ ▷▷^9Δ•▷ ▷"▷ ▷◁"Δ9Δ•▷

▷ СС^940\ А с40\ 44 0<Δ6> 6 СС^91\ Ад АсЛ ∇ Δ^<о\ А" > "А•340\ 6 СС^91\ Ад 6_{о\} 7_{о\} Г_{о\} АЛС•0 А440\ С 0<"А440\ А" >

$\nabla \sigma < \overset{\bullet}{\omega} \cap \eta \times$

760- ▽ 4008" / C 0L" 4L" / 4C00900

4% $\Delta\sigma_{\text{d}x}$ ∇ ρ $b^{\text{op}} \rho b^{\text{op}}$ $\Delta\sigma_{\text{d}x}$ b ρ ΔC^{op} .

▷₂▷₁△•σ[×] △ CⁿU^oo ◁₂•△• P₂▷₁▷ⁿU_o

ՀԵ ԱՅ ԱՅԼ ՏՐԾ ԱՐԾ ԱԴՐԵՆԱ ԲԵ ԱՇԽԱՎ Հ Պ ԵՐԵՎԱՆ ՇԱ ԱՅ ԱՅԼ ԲԵԲԱ
ԾԾԽ 12 ԲԵԲՈ ԱՅԾ 30 ԲԵԲԱ ԴԼԵՆ ԼՐԿԾՔ ԱՅ ԱՅԼ ԲԵԲԱ ՇԱ Կ ԾԾԽ
ՀԾԽ ԵՎԱԾ Պ ԵՐԵՎԱՆ ԱՅ ԱՅԼ ԲԵԲՈ.

ΓΓΔΔ•• CΔ•σΔU••

▷ ▷Λσ>U\ 96•▷ ▷d26•×

CCAD•σbU•◦ ΔC PC P ◊d•Λ×

LCPPC

◀ʌʌʌʌ Լոբբի՞ Ը թ Դ•ՀՀԱՍՊ Ը թ ՀՀՆՎ ՀԴ•ՒՆՎ ՀՀՐԸ ՀԱՅԱ ԱԿՑՈ ԱՐ Ա•ԿՐՔ
◀" ԼՐ" ՇՐ ԼԵ ՇՐԸ Ը թ Դ•ՎԼԱՍՊ ԱԿ ՀԾԱԿԱՌՎ Դ ՀԱՒՆՎ ՀԾԱԿԱՌՎ
▷ՈՀՀԱԼԺԱ ԾԱՌԴՎ ԱԿԵ ԾԱՌԴՎ ԱԿԵ ԾԱՌԴՎ ԱԿԵ ԾԱՌԴՎ ԱԿԵ ԾԱՌԴՎ
▷ Ա•ՒՐՎ ՀԴ•ՒՆՎ

▽ ပပေါ်လောက်မြေ လောက်မြေ၊ ပင် ငါးငါးပေါ်လောက်မြေ

▷ $\nabla L \cdot \nabla \circ \Delta \cdot p' \triangleleft \Delta \cdot p''$. $p \wedge p \circ \Delta \triangleleft \Delta \cdot p \wedge p''$. $\nabla L \triangleleft \Delta \cdot p''$.
 $L' \triangleleft \Delta \cdot p'' \triangleright p \wedge p \circ \Delta \triangleleft \Delta \cdot p''$. $\triangleright \Delta \cdot p'' \triangleleft \Delta \cdot p''$. $\Delta \cdot p'' \triangleleft \Delta \cdot p''$.

C > 0.29 x

$\Delta \triangleright p \times \nabla p \triangleleft C^n q \bullet x$

Δ▷d × ΔΔC^nU × 6•5^n - CA•CL" /

የኢትዮ ፍብር. 2 ፊያብ

1 $\triangle^n \subset \sigma^x$

2 - 5 C" C < n P

$$2 \triangle^n \sigma^x$$

5 - 10 °C ^{op}

$$4 \quad \triangle^n <_{\sigma} x$$

10 < " > << • ↵ ↷

8 $\triangle^n \subset \sigma^x$

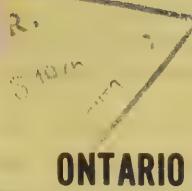


Ontario
Ministry of
Labour

CAZ 0N

L 21

• 054



Government
Publications

May, 1976

WOMEN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are located in Hamilton, Kitchener, Kenora, London, Ottawa, Sudbury, Thunder Bay and Toronto). Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The general minimum wage in Ontario is \$2.65 per hour. It applies to both men and women, and to both full-time and part-time employees, except for those employed to serve liquor in licenced premises. Women serving liquor must receive a minimum of \$2.50 per hour.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount of which meals or room may be charged against the minimum wage is: \$11.00 per week for room; \$1.15 each for meals up to a limit of \$24.00 per week; \$35.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid. The learner's hourly rate during her first month of employment must be at least \$2.55 and must then rise to the regular minimum.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage, unless they were specifically hired to work less than three hours.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order compensation and/or reinstatement. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. Some contracts call for employees to join the union immediately upon commencement of employment; some stipulate that employees become members after a certain period of employment; some contracts do not make membership mandatory but they provide for a compulsory check-off of union dues. Still other contracts call for none of the above.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Cash Shortages

Where two or more persons have access to cash, losses due to faulty workmanship or the value of property stolen cannot be deducted from wages, even with the employee's written authorization.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take her vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months immediately prior to the holiday; work 12 of the 30 days preceding the holiday and work on the regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry.

Coffee breaks during a shift are not required by law, but are a matter of company policy.

Lifting Weights

There is no law which limits the weight which women, in general, may lift. The Industrial Safety Act states that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment.

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board.

For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. Women taking pregnancy leave are eligible for Unemployment Insurance benefits if they have had 20 weeks of insured employment during the year preceding the baby's birth, ten weeks of which fell between the 30th and 50th weeks before the birth. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that the employee is paid what she would normally have earned, without overtime, if she had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay. Employers are not required to pay severance pay if adequate notice of termination has been given.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are now covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder are not covered under legislation pertaining to minimum wage, holiday pay, overtime and hours of work.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are only exempt when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor.



Ontario

Ministry of
Labour

HON. BETTE STEPHENSON, M.D.
Minister

T. E. ARMSTRONG
Deputy Minister

CH20N
L21
-054

November, 1975.

WOMEN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

Government
Publications

DEPOSITORY LIBRARY MATERIAL

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are located in Hamilton, Kitchener, Kenora, London, Ottawa, Sudbury, Thunder Bay and Toronto). Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The minimum wage in Ontario is \$2.40 per hour. It applies to both men and women, and to both full-time and part-time employees.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount of which meals or room may be charged against the minimum wage is: \$10.00 per week for room; \$1.05 each for meals up to a limit of \$22.00 per week; \$32.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, pharmacy, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order compensation and/or reinstatement. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. Some contracts call for employees to join the union immediately upon commencement of employment; some stipulate that employees become members after a certain period of employment; some contracts do not make membership mandatory but they provide for a compulsory check-off of union dues. Still other contracts call for none of the above.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take his vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months immediately prior to the holiday; work 12 of the 30 days preceding the holiday and work on the regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry.

Coffee breaks during a shift are not required by law, but are a matter of company policy.

Lifting Weights

There is no law which limits the weight which women, in general, may lift. The Industrial Safety Act states that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment.

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board.

For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. Women taking pregnancy leave are eligible for Unemployment Insurance benefits if they have had 20 weeks of insured employment during the year preceding the baby's birth, ten weeks of which fell between the 30th and 50th weeks before the birth. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that he pays the employee what he would normally have earned, without overtime, if he had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are now covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder are not covered under legislation pertaining to minimum wage, holiday pay, overtime and hours of work.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are only exempt when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor.



Ontario

Ministry of
Labour

HON. BETTE STEPHENSON, M.D.
Minister

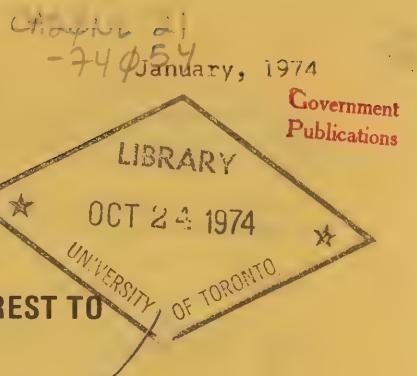
ROBERT D. JOHNSTON
Deputy Minister

CARON 11

221 man
\$54

Ont.

WOMAN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto



General publications
LG-16

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Some jobs however, cannot reasonably be performed because of sex or marital status. In such cases employers, unions or individual employees should contact the Ontario Human Rights Commission for information concerning the possibility of an exemption.

In future, fringe benefit plans such as pensions, life and medical insurance containing differentials based on sex or marital status will be prohibited. This provision is not in effect at the present time.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by him for the same work performed in the same establishment, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing the same work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. Her name will not be revealed to her employer.

In addition, field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour.

This law covers all women employees, regardless of occupation.

Wages

The minimum wage in Ontario is \$2.00 per hour. It applies to both men and women, and to both full-time and part-time employees.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount of which meals or room may be charged against the minimum wage is: \$8.00 per week for room; 85¢ each for meals up to a limit of \$17.00 per week; \$25.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$2,000 for each employee.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

The overtime work of a female employee under 18 shall not exceed six hours per week.

Overtime Pay

Employees who work more than 48 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

If a woman works on a shift that begins or ends between midnight and 6:00 a.m., she must be provided with private transportation from or to her home by her employer.

Nurses, dieticians and most paramedical workers are now covered by this provision.

No female employee under 18 shall work in an establishment between midnight and 6:00 a.m.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

After the first year of employment, the employee is entitled to an annual vacation of at least two weeks with pay. Vacation pay must equal at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take his vacation and, in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

This applies to monies earned on or after January 1, 1974

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry.

Coffee breaks during a shift are not required by law, but are a matter of company policy.

Industrial Safety

The Industrial Safety Branch of the Ministry of Labour conducts a program of inspection and consultation to eliminate unsafe working conditions.

Any person who feels that there are unsafe working conditions existing in an industrial establishment should contact the Industrial Safety Branch.

Lifting Weights

There is no law which limits the weight which women, *in general*, may lift. The Industrial Safety Act states that *no person* (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment.

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board.

For more information, contact the Workmen's Compensation Board, 90 Harbour Street, Toronto 1.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not employees are entitled to time off for illness. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Maternity Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for 12 weeks' unpaid maternity leave for employees who have worked for an employer for at least one year before the commencement of the maternity leave. All employers of 25 or more employees of both sexes are bound by the maternity leave provisions.

Pre-natal leave: On presentation of a medical certificate, an employee may initiate the leave at any time within six weeks of the expected date of birth. Or the employer can initiate the leave even earlier if he can show that she cannot perform her normal duties adequately.

Post-natal leave: This is six weeks unless the employee produces medical authorization for an earlier return to work. If management and union or an individual employee wish to negotiate a post-natal leave longer than six weeks, this is in accord with the Act.

The intent of the legislation is that the employee should return to the *same* position or a *comparable* one in terms of work setting, level of responsibility, and remuneration. If a post-natal leave of longer than six weeks has been arranged then the question of the return position is also open to negotiation.

The Act does not provide for income maintenance or accumulation of seniority and benefits during maternity leave, but an employee must not lose seniority or benefits which have accumulated up to the point of leave-taking. The provision relating to seniority and benefits provides for a minimum standard only and in no way affects more beneficial arrangements. Maternity benefits are now available under the Unemployment Insurance Act.

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2 – 5 years	2 weeks
5 – 10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must *either* a) continue the employment of the employee until the required period of notice has expired, *or* b) the employer may terminate the employee immediately, provided that he pays the employee what he would normally have earned, without overtime, if he had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay.

Homework and Domestic Work

Homeworkers are covered by the legislation pertaining to minimum wage, vacations with pay and equal pay for equal work, but domestic workers in single private family residences are exempted.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are only exempt when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario.



Ontario

Ministry of
Labour

HON. JOHN P. MACBETH

Minister

ROBERT D. JOHNSTON

Deputy Minister

A24N
21
-054

Aug 18 1973

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Some jobs however, cannot reasonably be performed because of sex or marital status. In such cases employers, unions or individual employees should contact the Women's Bureau of the Ontario Human Rights Commission for information concerning the possibility of an exemption.

In future, fringe benefit plans such as pensions, life and medical insurance containing differentials based on sex or marital status will be prohibited. This provision is not in effect at the present time.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Women's Bureau, Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by him for *the same work performed in the same establishment, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions*, except where such payment is made pursuant to

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing the same work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. Her name will not be revealed to her employer.

In addition, field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour.

This law covers all women employees, regardless of occupation.

Wages

The minimum wage in Ontario is \$1.80 per hour. It applies to both men and women, and to both full-time and part-time employees.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

AUGUST, 1972
Government
Publications

72054

General
Publications

E 6-17

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount of which meals or room may be charged against the minimum wage is: \$7.00 per week for room; 75¢ each for meals up to a limit of \$15.00 per week; \$22.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$2,000 for each employee.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

The overtime work of a female employee under 18 shall not exceed six hours per week.

Overtime Pay

Employees who work more than 48 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

If a woman works on a shift that begins or ends between midnight and 6:00 a.m., she must be provided with private transportation from or to her home by her employer.

Nurses, dieticians and most paramedical workers are now covered by this provision.

No female employee under 18 shall work in an establishment between midnight and 6:00 a.m.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of one week with pay. The amount of vacation pay must be equal to at least 2 per cent of the total pay of the employee during the year.

After the first year of employment, the employee is entitled to an annual vacation of at least two weeks with pay. Vacation pay must equal at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take his vacation and, in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 2 per cent of their total pay during the period of employment.

Employees who do not work on a statutory holiday are not entitled to any pay.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry.

Coffee breaks during a shift are not required by law, but are a matter of company policy.

Industrial Safety

The Industrial Safety Branch of the Ministry of Labour conducts a program of inspection and consultation to eliminate unsafe working conditions.

Any person who feels that there are unsafe working conditions existing in an industrial establishment should contact the Industrial Safety Branch.

Lifting Weights

There is no law which limits the weight which women, *in general*, may lift. The Industrial Safety Act states that *no person* (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment.

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board.

For more information, contact the Workmen's Compensation Board, 90 Harbour Street, Toronto 1.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not employees are entitled to time off for illness. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Maternity Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for 12 weeks' unpaid maternity leave for employees who have worked for an employer for at least one year before the commencement of the maternity leave. All employers of 25 or more employees of both sexes are bound by the maternity leave provisions. This provision is administered by the Women's Bureau.

Pre-natal leave: On presentation of a medical certificate, an employee may initiate the leave at any time within six weeks of the expected date of birth. Or the employer can initiate the leave even earlier if he can show that she cannot perform her normal duties adequately.

Post-natal leave: This is six weeks unless the employee produces medical authorization for an earlier return to work. If management and union or an individual employee wish to negotiate a post-natal leave longer than six weeks, this is in accord with the Act.

The intent of the legislation is that the employee should return to the *same* position or a *comparable* one in terms of work setting, level of responsibility, and remuneration. If a post-natal leave of longer than six weeks has been arranged then the question of the return position is also open to negotiation.

The Act does not provide for income maintenance or accumulation of seniority and benefits during maternity leave, but an employee must not lose seniority or benefits which have accumulated up to the point of leave-taking. The provision relating to seniority and benefits provides for a minimum standard only and in no way affects more beneficial arrangements. Maternity benefits are now available under the Unemployment Insurance Act.

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2 – 5 years	2 weeks
5 – 10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must *either* a) continue the employment of the employee until the required period of notice has expired, *or* b) the employer may terminate the employee immediately, provided that he pays the employee what he would normally have earned, without overtime, if he had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay.

Homework and Domestic Work

Homeworkers are covered by the legislation pertaining to minimum wage, vacations with pay and equal pay for equal work, but domestic workers in single private family residences are exempted.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are only exempt when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario.



Ontario

Ministry of
Labour

HON. FERN GUINDON
Minister

ROBERT D. JOHNSTON
Deputy Minister

h 21

- Ø 54

WOMEN'S BUREAU

ONTARIO MINISTRY OF LABOUR

400 University Avenue, Toronto

965-1537

Government
Publications

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

DEPOSITORY LIBRARY MATERIAL

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are listed under the section on Human Rights on the back page.) Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The general minimum wage in Ontario is currently \$3.30 per hour and will increase to \$3.50 per hour on October 1, 1981. It applies to both men and women, and to both full-time and part-time employees.

There are variations to the minimum wage in some industries and occupations. Persons serving liquor in licensed premises must receive a minimum of \$2.80 per hour and as of October 1, 1981 a minimum of \$3.00 per hour. Also affected by the variations are students under 18 years of age, learners, construction workers and ambulance drivers.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, maximum allowable deductions are also set out in the Employment Standards Act. Further information is available from regional offices of the Employment Standards Branch.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners be paid at an hourly rate or \$3.20 during their first month of employment (\$3.40 as of October 1, 1981) and subsequently at the regular minimum wage.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage, unless they were specifically hired to work less than three hours.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order reinstatement and/or compensation. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. However, all employees in the bargaining unit represented by the union are required by law to pay union dues.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Cash Shortages

Where two or more persons have access to cash, losses due to faulty workmanship or the value of property stolen cannot be deducted from wages, even with the employee's written authorization.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take her vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months

immediately prior to the holiday, work 12 of the 28 days preceding the holiday and work on her regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry. Coffee breaks during a shift are not required by law, but are a matter of company policy.

Health and Safety At The Work Place

The Occupational Health and Safety Act, 1978, is designed to help protect workers against health and safety hazards in the work place. The act is based upon the concept of internal responsibility; employers and workers share responsibility for occupational health and safety and both must be actively involved in identifying hazards and implementing controls to reduce or eliminate the exposure of workers to those hazards. Workers can refuse to perform a particular job when it could endanger the health or safety of a worker, and an inspector of the Ministry of Labour may conduct an investigation if the situation, which a worker believes to be hazardous, is not remedied by the employer.

The act provides for the establishment of joint health and safety committees in establishments with twenty or more workers and for the appointment of health and safety representatives where required. In addition, Ministry of Labour inspectors routinely visit all work places with serious accident or illness records.

The act includes provisions relating to the protection of workers against exposure to chemical, physical and biological agents that could adversely affect their health. Examples of such agents are lead, vinyl chloride monomer, noise, vibration and bacteria.

Further information may be obtained from Information Services, Ministry of Labour, 400 University Avenue, Toronto, Ontario M7A 1T7, telephone 965-7941.

Rest Areas

If 35 or more persons are employed, or if there is any exposure to a substance that is poisonous by ingestion, an employer must provide a separate place for employees to eat.

When ten or more workers are employed, the employer must provide a rest room or other place affording reasonable privacy with one or more cots and chairs.

The company must supply toilets and washbasins. The number required varies with the number of employees.

Detailed information about the above, and other health and safety regulations can be obtained from the Industrial Health and Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment. (Barbering and hairdressing establishments, financial institutions and photography studios are among those businesses not compulsorily covered.)

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board. For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Canada Employment Centre nearest you.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

If a woman qualifies for unemployment insurance during pregnancy leave, she may receive up to 15 weeks benefits. To find out if you meet the requirements and are eligible for benefits, contact the Canada Employment Centre (formerly UIC) closest to you.

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months. The minimum amount of notice required is related to the length of employment as follows:

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that the employee is paid what she would normally have earned, without overtime, if she had worked out the required period of notice. The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder for more than 24 hours a week are entitled to a minimum of 36 consecutive hours of free time weekly; two weeks annual paid vacation; seven paid statutory holidays and minimum wages of \$24. per day, \$132. per week, \$568. per month or, in the absence of an agreement, \$3. per hour. A maximum of \$50. per week may be deducted from a domestic's wages for room and board.

Babysitters and companions of the sick and elderly are not covered by these provisions.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the code also bans discrimination against minority groups and older workers. Under the code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality. Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are exempt only when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kingston, Kitchener, London, Ottawa, Sault Ste. Marie, St. Catharines, Thunder Bay, Timmins and Windsor.



Ontario
Ministry of
Labour

CA 240
L 21
- Ø 54

November, 1979

WOMEN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are located in Hamilton, Kitchener, Kenora, Kingston, London, Ottawa, Sudbury, Thunder Bay and Toronto). Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The general minimum wage in Ontario is \$3.00 per hour. It applies to both men and women, and to both full-time and part-time employees, except for those employed to serve liquor in licenced premises. Persons serving liquor must receive a minimum of \$2.50 per hour.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount for meals or room which may be charged against the minimum wage is: \$11.00 per week for room; \$1.15 each for meals up to a limit of \$24.00 per week; \$35.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid. The learner's hourly rate during her first month of employment must be at least \$2.90 and must then rise to the regular minimum.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage, unless they were specifically hired to work less than three hours.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order compensation and/or reinstatement. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. Some contracts call for employees to join the union immediately upon commencement of employment; some stipulate that employees become members after a certain period of employment; some contracts do not make membership mandatory but they provide for a compulsory check-off of union dues. Still other contracts call for none of the above.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Cash Shortages

Where two or more persons have access to cash, losses due to faulty workmanship or the value of property stolen cannot be deducted from wages, even with the employee's written authorization.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take her vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months immediately prior to the holiday, work 12 of the 30 days preceding the holiday and work on the regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry. Coffee breaks during a shift are not required by law, but are a matter of company policy.

Health and Safety on the Job

An employee may not be terminated or disciplined for refusing to perform work which she believes to be dangerous to her health and safety. This provision at present does not apply to those working in hospitals (except in the laundry) or in schools. The employer must investigate the unsafe situation in the presence of the complainant and of a witness and attempt to correct it.

There is no law which limits the weight which women, in general, may lift. The Industrial Safety Act states that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under the The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment. (Barbering and hairdressing establishments, financial institutions and photography studios are among those businesses not compulsorily covered.)

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board. For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

If a woman qualifies for unemployment insurance during pregnancy leave, she may receive up to 15 weeks benefits. To find out if you meet the requirements and are eligible for benefits, contact the Canada Employment Centre (formerly UIC) closest to you.

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that the employee is paid what she would normally have earned, without overtime, if she had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay. Employers are not required to pay severance pay if adequate notice of termination has been given.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are now covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder are not covered under legislation pertaining to minimum wage, holiday pay, overtime and hours of work.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are exempt only when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor.



Ontario
Ministry of
Labour

HON. ROBERT G. ELGIE, M.D.
Minister

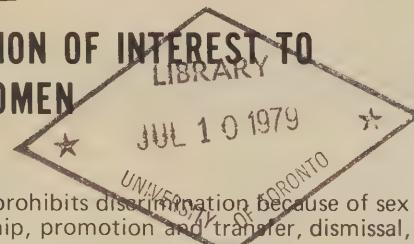
T. E. ARMSTRONG
Deputy Minister

January, 1979

CA2φN
L 21
- φ 54

WOMEN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

**ONTARIO LABOUR LEGISLATION OF INTEREST TO
WORKING WOMEN**



Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are located in Hamilton, Kitchener, Kenora, Kingston, London, Ottawa, Sudbury, Thunder Bay and Toronto). Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The general minimum wage in Ontario is \$3.00 per hour. It applies to both men and women, and to both full-time and part-time employees, except for those employed to serve liquor in licenced premises. Persons serving liquor must receive a minimum of \$2.50 per hour.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount for meals or room which may be charged against the minimum wage is: \$11.00 per week for room; \$1.15 each for meals up to a limit of \$24.00 per week; \$35.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid. The learner's hourly rate during her first month of employment must be at least \$2.90 and must then rise to the regular minimum.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage, unless they were specifically hired to work less than three hours.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order compensation and/or reinstatement. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. Some contracts call for employees to join the union immediately upon commencement of employment; some stipulate that employees become members after a certain period of employment; some contracts do not make membership mandatory but they provide for a compulsory check-off of union dues. Still other contracts call for none of the above.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Cash Shortages

Where two or more persons have access to cash, losses due to faulty workmanship or the value of property stolen cannot be deducted from wages, even with the employee's written authorization.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take her vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months immediately prior to the holiday, work 12 of the 30 days preceding the holiday and work on the regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry. Coffee breaks during a shift are not required by law, but are a matter of company policy.

Health and Safety on the Job

An employee may not be terminated or disciplined for refusing to perform work which she believes to be dangerous to her health and safety. This provision at present does not apply to those working in hospitals (except in the laundry) or in schools. The employer must investigate the unsafe situation in the presence of the complainant and of a witness and attempt to correct it.

There is no law which limits the weight which women, in general, may lift. The Industrial Safety Act states that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under the The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment. (Barbering and hairdressing establishments, financial institutions and photography studios are among those businesses not compulsorily covered.)

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board. For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

If a woman qualifies for unemployment insurance during pregnancy leave, she may receive up to 15 weeks benefits. To find out if you meet the requirements and are eligible for benefits, contact the Canada Employment Centre (formerly UIC) closest to you.

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that the employee is paid what she would normally have earned, without overtime, if she had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay. Employers are not required to pay severance pay if adequate notice of termination has been given.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are now covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder are not covered under legislation pertaining to minimum wage, holiday pay, overtime and hours of work.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are exempt only when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor.



Ontario
Ministry of
Labour

HON. ROBERT G. ELGIE, M.D.
Minister

T. E. ARMSTRONG
Deputy Minister

920N
21
-054

LIBRARY MATERIAL

WOMEN'S BUREAU

ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

October, 1977

Government
Publications

LIBRARY

★ MAR 1 4 1979

UNIVERSITY OF TORONTO

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are located in Hamilton, Kitchener, Kenora, London, Ottawa, Sudbury, Thunder Bay and Toronto). Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The general minimum wage in Ontario is \$2.65 per hour. It applies to both men and women, and to both full-time and part-time employees, except for those employed to serve liquor in licenced premises. Women serving liquor must receive a minimum of \$2.50 per hour.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount for meals or room which may be charged against the minimum wage is: \$11.00 per week for room; \$1.15 each for meals up to a limit of \$24.00 per week; \$35.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid. The learner's hourly rate during her first month of employment must be at least \$2.55 and must then rise to the regular minimum.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage, unless they were specifically hired to work less than three hours.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order compensation and/or reinstatement. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. Some contracts call for employees to join the union immediately upon commencement of employment; some stipulate that employees become members after a certain period of employment; some contracts do not make membership mandatory but they provide for a compulsory check-off of union dues. Still other contracts call for none of the above.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Cash Shortages

Where two or more persons have access to cash, losses due to faulty workmanship or the value of property stolen cannot be deducted from wages, even with the employee's written authorization.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take her vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months immediately prior to the holiday, work 12 of the 30 days preceding the holiday and work on the regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry. Coffee breaks during a shift are not required by law, but are a matter of company policy.

Health and Safety on the Job

An employee may not be terminated or disciplined for refusing to perform work which she believes to be dangerous to her health and safety. This provision at present does not apply to those working in hospitals (except in the laundry) or in schools. The employer must investigate the unsafe situation in the presence of the complainant and of a witness and attempt to correct it.

There is no law which limits the weight which women, in general, may lift. The Industrial Safety Act states that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under the The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment. (Barbering and hairdressing establishments, financial institutions and photography studios are among those businesses not compulsorily covered.)

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board. For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. Women taking pregnancy leave are eligible for Unemployment Insurance benefits if they have had 20 weeks of insured employment during the year preceding the baby's birth, ten weeks of which fell between the 30th and 50th weeks before the birth. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that the employee is paid what she would normally have earned, without overtime, if she had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay. Employers are not required to pay severance pay if adequate notice of termination has been given.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are now covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder are not covered under legislation pertaining to minimum wage, holiday pay, overtime and hours of work.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are exempt only when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor.



Ontario
Ministry of
Labour

HON. BETTE STEPHENSON, M.D.
Minister

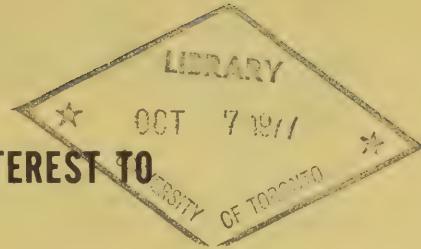
T. E. ARMSTRONG
Deputy Minister

CAZON
L21
-054

June, 1977

WOMEN'S BUREAU
ONTARIO MINISTRY OF LABOUR
400 University Avenue, Toronto
965-1537

ONTARIO LABOUR LEGISLATION OF INTEREST TO WORKING WOMEN



Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and membership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code. This law also applies to men workers.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act states that:

No employer or person acting on behalf of an employer shall discriminate between a male and female employee by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, for substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quantity or quality of production; or
- (d) a differential based on any factor other than sex.

Any woman who has reason to believe that she is receiving less pay than a man in her company for doing substantially the same kind of work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. (Branch offices are located in Hamilton, Kitchener, Kenora, London, Ottawa, Sudbury, Thunder Bay and Toronto). Her name will not be revealed to her employer.

In addition field officers of the Employment Standards Branch make routine inspections.

Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour, up to a maximum of \$4000 per person.

This law covers all women employed in Ontario except those working in federally regulated industries such as railways, airlines, banks, shipping companies and radio and television stations.

Wages

The general minimum wage in Ontario is \$2.65 per hour. It applies to both men and women, and to both full-time and part-time employees, except for those employed to serve liquor in licenced premises. Women serving liquor must receive a minimum of \$2.50 per hour.

There are variations to the minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers and ambulance drivers, are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount for meals or room which may be charged against the minimum wage is: \$11.00 per week for room; \$1.15 each for meals up to a limit of \$24.00 per week; \$35.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid. The learner's hourly rate during her first month of employment must be at least \$2.55 and must then rise to the regular minimum.

Employees who are required by their employer to report to work shall be paid for at least three hours at the minimum wage, unless they were specifically hired to work less than three hours.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$4,000 for each employee.

Fringe Benefits

Section X of the Employment Standards Act, effective November 1, 1975 prohibits a differentiation based on age, sex, or marital status in pension and life insurance plans, and long and short term disability insurance schemes including health and dental plans. However, certain differences based on actuarial computations are permitted in some types of plans.

Pregnant women are entitled to all benefits covering sickness and disability that occur outside their pregnancy leave of absence. No distinction may be made between complications resulting from pregnancy and other illnesses for the purposes of sick leave coverage outside the period of pregnancy leave.

Pensionable ages may be set below 65 years, providing that the same is set for men as for women.

This law is not retroactive.

Unions

Under the Labour Relations Act, every employee has the right to join a union except those working in certain occupations such as architecture, law, medicine, and those working in a managerial capacity, in domestic service, or agriculture. (Police, firefighters, teachers and Crown employees are permitted to bargain collectively under other acts.)

If it can be proved that an employer has fired a worker because she has joined or attempted to organize a union in a non-union shop, the Labour Relations Board will order compensation and/or reinstatement. The Labour Relations Board is located on the 4th Floor, 400 University Avenue, Toronto.

In a unionized place of employment, an employee does not have to join the union unless the collective agreement stipulates it. Some contracts call for employees to join the union immediately upon commencement of employment; some stipulate that employees become members after a certain period of employment; some contracts do not make membership mandatory but they provide for a compulsory check-off of union dues. Still other contracts call for none of the above.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Cash Shortages

Where two or more persons have access to cash, losses due to faulty workmanship or the value of property stolen cannot be deducted from wages, even with the employee's written authorization.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted.

Under certain conditions, a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year.

Overtime Pay

Employees who work more than 44 hours in any week, or who work on a statutory holiday, shall receive a minimum of 1½ times their regular wage rate.

Special overtime regulations cover seasonal employees in the hotel/restaurant and canning industries among others. For information, call the Employment Standards Branch.

Night Work

This section of the Employment Standards Act has been repealed. An Employer is no longer required to provide transportation for female employees who work between midnight and six a.m. Females under 18 are now permitted to work after midnight.

Vacations with pay

Employees who have completed 12 months of employment with an employer are entitled to an annual vacation of two weeks with pay. The amount of vacation pay must be equal to at least 4 per cent of the total pay of the employee during the year.

The employer has the right to determine the period when an employee may take her vacation and in the case of a two-week vacation, it may be taken in two consecutive weeks or in two periods of one week each.

When employees cease to be employed before completing their first full working year, they are entitled to vacation pay of 4 per cent of their total pay during the period of employment.

Statutory Holidays

Employees are entitled to seven statutory holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, and Christmas Day.

To qualify for a paid statutory holiday an employee must be employed for the three months immediately prior to the holiday, work 12 of the 30 days preceding the holiday and work on the regular day of employment preceding and following the holiday.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Ministry. Coffee breaks during a shift are not required by law, but are a matter of company policy.

Health and Safety on the Job

An employee may not be terminated or disciplined for refusing to perform work which she believes to be dangerous to her health and safety. This provision at present does not apply to those working in hospitals (except in the laundry) or in schools. The employer must investigate the unsafe situation in the presence of the complainant and of a witness and attempt to correct it.

There is no law which limits the weight which women, in general, may lift. The Industrial Safety Act states that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

If 35 or more persons are employed, an employer must provide a place for employees to eat, as well as such equipment as the inspector requires.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more cots and chairs.

When six or more persons are employed, the company must supply separate washrooms for men and women. The number of toilets and washbasins required varies with the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch.

First Aid

Requirements for first aid services and facilities vary depending on the number of employees in an employment establishment. For details consult the First Aid Regulations under the Workmen's Compensation Act.

Injury

Under the Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment. (Barbering and hairdressing establishments, financial institutions and photography studios are among those businesses not compulsorily covered.)

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board. For more information, contact the Workmen's Compensation Board, 2 Bloor Street East in Toronto or your nearest regional office.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not sick employees are entitled to time off with pay. Sick benefits are now available under the Unemployment Insurance Act. For details, contact the Unemployment Insurance Commission.

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act now requires that an employee give two weeks' notice of the date she intends to begin her leave.

All employers in Ontario are bound by this law, except companies or agencies under the jurisdiction of the federal government, such as banks, railways, airlines and similar industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

The employee is entitled to begin her leave of absence at any time within eleven weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by a collective agreement to begin her leave earlier than she intends to. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of the birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or benefits, or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. Women taking pregnancy leave are eligible for Unemployment Insurance benefits if they have had 20 weeks of insured employment during the year preceding the baby's birth, ten weeks of which fell between the 30th and 50th weeks before the birth. For more information see the Women's Bureau's pamphlet "Pregnancy Leave in Ontario".

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:-

Period of Employment	Notice Required
Less than 2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must either a) continue the employment of the employee until the required period of notice has expired, or b) terminate the employee immediately, provided that the employee is paid what she would normally have earned, without overtime, if she had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

Separating employees are entitled to receive vacation pay. Employers are not required to pay severance pay if adequate notice of termination has been given.

Homework and Domestic Work

Homeworkers are covered by legislation pertaining to minimum wage, vacations with pay, equal pay for equal work and collection of wages.

Domestics and homemakers employed by agencies are now covered by all provisions of The Employment Standards Act. Domestics employed directly by a householder are not covered under legislation pertaining to minimum wage, holiday pay, overtime and hours of work.

Ontario Human Rights Code (amended, 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of race, creed, colour, nationality, ancestry, place of origin, sex or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are exempt only when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has cooperated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto M7A 1V1, Ontario. There are local offices of the Human Rights Commission in Hamilton, Kenora, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor.



Ontario
Ministry of
Labour

Women's Bureau

HON. BETTE STEPHENSON, M.D.
Minister

T. E. ARMSTRONG
Deputy Minister

